

IN THE HIGH COURT OF JUDICATURE AT KARNATAKA AT

BENGALURU

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION WRIT PETITION

NO. OF 2020

Project Vruksha Foundation

..... Petitioner

Versus

State Board for Wildlife, Karnataka & Ors

..... Respondents

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23	Vakalatnama	
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Advocate for the Petitioner



Date: 1st June, 2020

PLACE: Bengaluru

IN THE HIGH COURT OF JUDICATURE AT KARNATAKA AT

BENGALURU

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION WRIT PETITION

NO. OF 2020

SYNOPSIS

The instant Public Interest Litigation is filed with great urgency to challenge the *vires* of the proceeding of the 14th meeting held on 20th March, 2020 of the Karnataka-State Board for Wildlife (here in after “SBWL”) whereby the decision of recommending/ Approving wildlife clearance for the construction of 168 km new broad gauge Hubli-Ankola Railway Line Project (herein after “HARP”) was taken by the Chief Minister of Government of Karnataka & Chairman of the Karnataka-SBWL by abuse of discretion, non-application of mind, without due care and caution and without responsibility in the exercise of discretion by ignoring objections of the majority Karnataka-SBWL’s members.

The decision of the Chairman is solely based on pro-project arguments forwarded by his four “Special Invitees” during the proceeding of 14th meeting of the Karnataka-SBWL held on 20th March, 2020 namely, Shri Jagadish Shettar (Minister of Large and Medium Scale Industries); Shri Shivaram Hebbar (Minister of Labour and Minister of Sugar); Shri R.V Deshpande (MLA and former Minister for large and Medium Scale Industries) and the Chief Secretary of the State of Karnataka. It is submitted that presence of such “Special Invitees” vitiates the proceeding of the 20th March meeting as it amounts to violation of Rule 9 of the Karnataka State Board for Wildlife Rules, 2006 which only allows people with experience and expertise in wildlife conservation as invitees to the State’s highest wildlife decision making Statutory Board created under the Wildlife (Protection) 1972.

It is imperative to point out that the Board unanimously, along with the Chairman and the Vice-Chairman & Minister-in-charge Forest and Wildlife decided to reject grant of Wildlife Clearance to the ecologically disastrous HARP involving diversion of 595.64 ha of forest land, felling of over 2.2 lakh trees in the 13th

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meeting of the Board conducted on 9th March, 2020 just 11 days prior to the impugned 14th meeting held on 20th March, 2020.

It is also imperative to highlight from the minutes of the 14th meeting held on 20th March, 2020 that when the Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden who is also the Member Secretary of the SBWL went to obtain signature of the Chairman on the draft proceedings of the 13th meeting of 9th March, 2020, the chairman signed the 13th meeting proceedings and directed the Member Secretary to convene another meeting only to re-discuss HARP. Thereafter, on 17th March, 2020 only three days prior to the 14th meeting convened on 20th March, 2020, notice and agenda of the 14th meeting were sent to the members of the Board. Sending of such short notice amounts to violation of Rule 4(2) of the Karnataka State Board for Wildlife Rules, 2006, which mandates sending at-least 15 days prior notice before convening any meeting of the Board.

The Minister-in-charge of Forest and Wildlife, Shri Dinesh Singhi (member) and Shri Ajay A. Desai (Member) all of whom had raised their objection to the project during the 13th meeting held on 9th March, 2020 meeting, filed their leave of absence to the 14th meeting held on 20th March, 2020. Moreover, Shri Dinesh Singhi (member) and Shri Ajay A. Desai (Member) along with their leave of absence, emailed the Member Secretary not to recommend the project in the 14th meeting held on 20th March, 2020. The same is recorded at page 2 under the heading "Leave of absence" in the minutes of the 14th meeting. Thus, there appears no explainable hurry on the part of the Chairman in re-conducting the Board's meeting to re-discuss HARP in the absence of the Minister in charge of Forest and Wildlife who is also the Vice-Chairman of the Board and two other members.

The proceedings of the 14th meeting held on 20th March, 2020 record no reasons to substantiate such change of decision of the Chairman, instead it clearly records the sound scientific and ecological concerns of the majority members of the Board. Moreover, one member of the SBWL who is also an MLA of the ruling party resigned from the Board in protest of such abuse of discretion by the Chairman which was reported in "The Hindu" on 21st March, 2020 in the Karnataka edition, a day after the 14th meeting held on 20th March, 2020 was convened. A copy of the news article as appeared in "The Hindu" on 21st March, 2020 in the Karnataka edition is herewith marked and annexed as Annexure-1A.

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It is submitted that HARP was initially perceived by the Ministry of Railway in 1998 to cater to freight traffic from Hubli to Belekere Port near Ankola. The line is no longer tenable because the Hon'ble Supreme Court in 2011 has put a cap on mining of iron ore in the region, since then there has been hardly any ore transported from the region. The same fact is part of the report submitted by the Site Inspection Committee of NBWL in August, 2018.

Also, the region is well connected by a railway line via castle rock line which in itself is inside the Kali Tiger Reserve and leads to wildlife mortality. Also, the castle rock line has been approved for double lining by the SBWL in their 13th meeting held on 9th March, 2020, there is also a road connectivity available via NH-63 which runs parallel to the proposed railway line and is accepted to be highly underutilised yet stands expanded at the present day. Initially the South-Western Railways (herein after "User Agency") applied for Forest Diversion Proposal for diversion of 965 ha of forest land in Uttara Kannada and Dharwad district in 2003 (revised to 727 ha in 2005, revised to 667 ha in 2011 and presently 595.64 ha). The Forest Diversion Proposal for HARP was revised thrice between 2003 to 2011. The project was rejected by the Karnataka Forest Department in 2002, once again by the Regional Office of Ministry of Environment Forest and Climate Change (herein after "MoEF & CC") in 2004 and then most recently by the Central Empowered Committee of the Supreme Court on ecological and economic viability grounds in 2015. In fact, a petition was filed challenging this ecologically disastrous HARP before the Central Empowered Committee (CEC) of the Supreme Court in 2006, CEC after detailed deliberation and site appraisal submitted a report to the Supreme Court in 2015 advising the Supreme Court to direct MoEF to reject the project with no scope for re-consideration. Supreme Court in 2015, transferred a bunch of forest conservation related cases to the Hon'ble National Green Tribunal (NGT). The NGT without adjudicating on the merits of the project, granted a legal right to the User Agency to apply for a fresh Forest Diversion Proposal vide its order dated 10th February, 2016.

As the project area falls in the default Eco Sensitive Zone (ESZ) of the Kali Tiger Reserve also known as Anshi-Dandeli Tiger Reserve in the Western Ghats and cuts across Elephant and Tiger corridor, a Wildlife Clearance Proposal along with the Forest Diversion Proposal was applied for. The Regional Office of MoEF has accorded Stage-I, 'in-principle' forest clearance in 2017 to HARP with special emphasis that prior recommendation of the Standing Committee of NBWL has to

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be sought owing to the location of the project in the Western Ghats. The Wildlife Clearance Proposal was forwarded to the Standing Committee of NBWL by the State with only the prior approval of the Chief Minister of Government of Karnataka & Chairman of the Board omitting the requirement of placing the Proposal before the Karnataka-SBWL first.

On this ground alone, the Standing Committee of NBWL sent back the Wildlife Clearance Proposal to the State with clear direction to get Wildlife Clearance Proposal examined by the Karnataka-SBWL in light of Wildlife Appraisal Reports submitted by the National Tiger Conservation Authority (NTCA) and by the Site Inspection Committee constituted by NBWL. Thereupon the Wildlife Clearance Proposal has been discussed by the Karnataka-SBWL in their 11th, 12th and finally in the 13th meeting held on 9th March, 2020, the Board decided to reject it unanimously. The Chairman without providing any reason, convened the 14th meeting of the Board held on 20th March, 2020 only to re-consider the HARP by inviting four "Special Invitees" and recommended HARP for Wildlife Clearance in complete disregard of the objection of the majority board members and in absence of the Vice-Chairman of the Board.

It is submitted that the proposal to grant wildlife clearance to HARP was unanimously and conclusively rejected by the Chairperson, Vice-Chairperson, Member Secretary (Chief Wildlife Warden) and other members of the Board at the 13th meeting of the Board held on 9th March, 2020. That during the 14th meeting of the Board held on 20th March, 2020, the Member Secretary and other members of the Board once again raised objection based on the reports submitted by the NTCA and the Site Inspection Committee of NBWL.

However, the Chairman ignored the objections and being influenced by the presence and arguments of the four "Special Invitees" during the 20th March meeting, in violation of the Board's power provided under the Wildlife (Protection) Act, 1972 recommended HARP for Wildlife Clearance.

The validity of the impugned recommendation of the Chairman deserve to be quashed on the ground of non-consideration of relevant facts as was held by the Hon'ble Supreme Court in the case of **SACHIDANAND PANDEY VS STATE OF W.B** reported in (1987) 2 SCC 295, wherein it has been held:

"if relevant considerations are not borne in mind and irrelevant considerations influence the decision, the Court may interfere in order to

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prevent a likelihood of prejudice to the public. Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Art. 48A of the Constitution, the Directive Principle which enjoins that "The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country," and Art. 51A(g) which proclaims it to be the fundamental duty of every citizen of India "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.""

It is submitted that in overruling the majority opinion of the Board members of the Karnataka-SBWL, constituted under the Wildlife (Protection) Act, 1972 Chief Minister/ Chairman has acted beyond his jurisdiction as there is no such power conferred to the Chairman of the Board under the Act. Also, it is settled principle of law that a creature of the statute is bound of the statute.

In Mahendra Baburao Mahadik & Ors vs. Subhash Krishna Kanitkar & Ors (2005) 4 SCC 99, at Para Nos. 38 it was held:

"The Municipal Council being a creature of statute was bound to carry out its functions within the four corners thereof. Being a statutory authority, it was required to follow the rules scrupulously. Concededly, the Municipal Council is not possessed of any statutory power to regularise unauthorised constructions."

The Chairman's abuse of discretion in ignoring the recommendation of rejection of the project by the NTCA and the Site Inspection Committee of NBWL based on their wildlife appraisal Report undermines the **India's Wildlife Action Plan (2017-2031)** which emphasises importance of biodiversity/ wildlife impact assessment study during the planning stage of infrastructure projects. Therefore, when the project has already been recommended to be rejected by the NTCA and the Site Inspection Committee of the NBWL based on their wildlife appraisal report clearly laying out the fact that this is a un-necessary project which is going to wreak havoc in the pristine eco-sensitive zone of the Kali Tiger Reserve which serves as excellent corridor to Schedule-I wildlife such as the Tigers and Asiatic Elephants amongst other species. It is submitted that there is no scope for exercise of discretion to the contrary.

Moreover, under section 38 (O) (1) (g) of the Wildlife (Protection) Act, 1972, tiger reserves and areas linking one protected area or tiger reserve with another

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protected area or tiger reserve are not to be diverted for ecologically unsustainable uses without the approval of NBWL on the advice of the NTCA. Thus, NTCA has been granted such authority in the manner/nature of veto power to recommend the rejection of project in areas linking one protected area or tiger reserve with another. Here, the NTCA has already exercised this power and recommended the rejection of the project twice, once independently and once being part of the committee constituted by the Standing Committee of NBWL.

It is also submitted that there is no document to justify the decision of the Chairman, the minutes of proceeding of the 14th meeting held on 20th March, 2020 of Karnataka- SBWL simply record that:

“After all the above deliberations, the Hon’ble Chief Minister and Chairman of the Board opined that the development of backward North Karnataka is very important and for the aspiration of the people living there and during the implementation of the project all necessary mitigation measures should be taken and the project needs to be recommended.

Hence The Board resolved to recommend the proposal to National Board for Wildlife”

It is imperative to bear in mind that the State Board for Wildlife is constituted under Section 6 of the Wildlife (Protection) Act, 1972, and the Board is not merely an Advisory Body but it is a decision making authority to take collective decisions, and also to advise the State Government on matters related to wildlife conservation.

The Hon’ble National Green Tribunal has in the case of **Bimal Gogoi & Anr vs. State of Arunachal Pradesh & Ors (Appeal 30/2015/SZ)** dated 24.10.2017 set aside decision of Chairman of Standing Committee of NBWL and kept the forest clearance granted to a hydro power project in abeyance and observed that decision taken by the Chairperson by ignoring majority expert opinion of the members of the Board is un-sustainable in law. The hon’ble NGT at para no.:

“78.it is incumbent on our part to examine the decision taken by the Standing Committee of NBWL. Even if the Standing Committee of NBWL which is a delegated authority of NBWL itself is taken as an Advisory Body for NBWL to take a decision, the question is as to whether having constituted as per the Section 5B(2) of the Wildlife Protection Act, 1972, it will be open to the Chairperson to just like that brush aside the views of the majority of the

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members of the Standing Committee of NBWL. The communication of the Deputy Inspector General of Forest dated 11.2.2012 which refers about the Standing Committee of NBWL met on 13.12.2011 does not in any manner give the reason for brushing aside the views of the non-official members of the Standing Committee. Having constituted a Statutory Standing Committee as per the provisions of the Central enactment and in the absence of the method of decision to be taken by such Standing Committee, we are of the view that either the Chairperson who happens to be the Hon'ble Minister of State should have given proper reason for rejecting the objection of majority of the non-official members or the decision ought to have been arrived at based on the opinion of the majority of the members of the Standing Committee of National Board. Neither of these acceptable principles are followed in making a decision under the Wildlife (Protection) Act, 1972 by the Standing Committee. Even though the Standing Committee of NBWL is a recommendatory body, the same being a Statutory Committee, is bound by the laudable principles of justice and fair play while taking a decision particularly in respect of the region which is admittedly an ecologically sensitive area. If any convincing reason is given by the Standing Committee of NBWL, it stands differently for this Tribunal while considering the validity or otherwise of the same. In the absence of any reason but only to reject the majority of the non-official members who happened to be experts in the field and whose objections have been elicited in the communication of the Deputy Inspector General of Forest dated 11.2.2012, in our considered view and in all fairness either the Hon'ble Minister in charge of the Forest or the Standing Committee of NBWL should have taken the decision with proper reason. In the absence of any acceptable reasons, we have no hesitation to hold that the decision of the Minister as if it is the decision of the Standing Committee of NBWL which forms the basis of the granting of FC in this case under the Forest (Conservation) Act, 1980, is not sustainable in law." (emphasis supplied)

The State Board for Wildlife is the apex wildlife decision making body of the State, the manner and conduct of the Chairman of Karnataka-SBWL during the 14th meeting of the Board sets a wrong precedent and violates the essence of wildlife conservation envisaged under the Wildlife (Protection) Act, 1972. It is also the fact that a number of 'infrastructure and development' projects through eco-

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sensitive regions of the Western Ghats are in the pipeline and all such projects will be placed before the Karnataka-SBWL, if those projects are also recommended by adopting similar manner by the Chairman of the Board, the entire Protected Area Network with thriving population in the State of Karnataka of species endemic of flora and fauna endemic to the Western Ghats region and which is recognised by UNESCO as the 'hottest hot spot of biodiversity' in the world, will soon cease to exist and will cause irreversible damage to the wildlife connectivity in the entire Western Ghats landscape (spread across Gujarat, Maharashtra, Goa, Karnataka, Tamil Nadu and Kerala). A Google Earth map image depicting the existing railway line via Castle rock and the proposed HARP vis-à-vis the Protected Areas in the region is herewith marked and annexed as **Annexure 1B**.

It is also pertinent to bear in mind the fact that all major Southern India rivers like Mhadei, Kali, Krishna, Cauvery, Tunga Bhadra, Bheema, Netravati, Varda and Kabini originate from the Western Ghats mountain ranges. Such mindless tsunami of 'development' projects will affect the catchment of all Southern rivers which in turn will lead to a fresh water crisis and an acute drinking water shortage in the whole of Southern Indian.

Thus, it is submitted that that the impugned decision is bad in law and deserves to be quashed. The final decision with regard to Wildlife Clearance for HARP was taken in the 13th meeting of Board held on 9th March, 2020 and there was scope for a re-meeting as there is no such power granted under the Wildlife (Protection) Act, 1972 or under the Karnataka State Board for Wildlife Rules, 2006. Thus, to raise question on *vires* of the convening and decision of Chairman in the 14th meeting held on 20th March, 2020 of the Karnataka-SBWL, in the interest of the people of the State and for protection of the forests and wildlife of the Western Ghats landscape from an ecologically disastrous railway line project the instant petition has been filed.

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List of Events

Sr. No.	Event	Particular
1	1998	HARP was conceived by the Ministry of Railways
2	September, 1998	South Western Railways (User Agency) applied for forest diversion proposal for 965 ha diversion of forest land for HARP
3	20th November, 2002	The Principal Chief Conservator of Forest (PCCF), Karnataka rejected Forest Diversion Proposal for HARP
4	15 th April, 2004	The Chief Conservator Forest (CCF) (Central), Regional Office, MoEF, rejected Forest Diversion Proposal for HARP
5	27 th May, 2004	Forest Advisory Committee (FAC) rejected the Forest Diversion Proposal for HARP
6	10 th June, 2004	The MoEF addressed a letter to the Government of Karnataka communicating MoEF's rejection of the Forest Diversion Proposal on merit
7	23 rd June, 2005	The User Agency revised the forest land required for HARP and applied for a fresh forest diversion proposal for diversion of 720 ha of forest land
8	2006	An application numbered 952/2006 was filed before the Central Empowered Committee (CEC) of the Hon'ble Supreme Court challenging HARP
9	2008	The User Agency further revised the forest land

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		required for the project to 683.62ha and submitted fresh Forest Diversion Proposals to the Karnataka Forest Department
10	19 th February, 2011	The Infrastructure Development Department (IDD), Government of Karnataka engaged the Indian Institute of Science (IISc), Bangalore to undertake the Environment Impact Assessment (EIA) and suggest mitigative measures in respect to HARP
11	May, 2011	The Hon'ble Supreme Court of India in a series of directions passed in W.P (C) No. 562/ 2009 regulated mining in an environmentally sustainable manner in Bellary-Hospet Sector and also in Districts of Chitra Durga and Tumkur
12	2012	UNESCO declared Western Ghats a world heritage site
13	18 th April, 2013	The Hon'ble Supreme Court prescribed a ceiling of 25 Million Metric Tons (MMT) for total production of iron ore from all the mining leases in Bellary district and a ceiling of 5 MMT for production of iron ore from all the mining leases in Chitra Durga and Tumkur district
14	2015	The CEC submitted their report before the Hon'ble Supreme Court
15	2015	The Hon'ble Supreme Court transferred the case to the Hon'ble National Green Tribunal

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16	10 th February, 2016	The Hon'ble National Green Tribunal without adjudicating on the merits of the case, directed the State Government to submit a fresh Forest Diversion Proposal
17	23 rd April, 2016	The User Agency applied for a fresh Forest Diversion Proposal involving 595.64 ha of forest land in the website of MoEF "PARIVESH".
18	17 th June 2016	The User Agency applied for a Wildlife Clearance Proposal in the website of MoEF "PARIVESH"
19	March 2017	The Regional Office, MoEF &CC, Bangalore constituted a committee for critical appraisal of the project area
20	29 th August, 2017	The report submitted by the committee of REC was considered in the 20 th meeting of REC;
21	December, 2017	The Additional Director General of Forest (PT) & Member Secretary of NTCA (MoEF) directed Inspector General of Forest, NTCA, Regional Office to conduct a site appraisal
22	23 rd February, 2018	The NTCA conducted a site appraisal of HARP region
23	27 th March, 2018	48 th meeting of the Standing Committee of the NBWL formed a Site Inspection Committee
24	August, 2018	The Site Inspection Committee submitted its report and recommended rejection of HARP
25	7 th September, 2018	The 50 th meeting Standing Committee of the

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		NBWL
26	9 th January, 2019	11 th meeting of the Karnataka-SBWL
27	26 th September, 2019	12 th meeting of the Karnataka-SBWL
28	9 th March, 2020	13 th meeting of the Board where it was unanimously decided to reject the proposal;
29	20 th March, 2020	The Chairman convened the 14 th meeting of Karnataka-SBWL to re-discuss HARP;
30	1 st June, 2020	The instant Writ Petition if filed

POINTS TO BE URGED

- A. Whether the 14th meeting held on 20th March, 2020 was convened in violation of the Rules of the Karnataka State Board for Wildlife Rules, 2006?
- B. Whether the Chairman has the power to re-convene a meeting only to re-discuss HARP when the Board had unanimously taken their final decision with regard HARP in the 13th meeting?
- C. Whether the Chairman has failed to record any reason to substantiate his decision in the 14th meeting held on 20th March, 2020?
- D. Whether the decision of the Chairman in the 14th meeting of the Board qualify as a decision taken by a Statutory Body in absence of detailed reasons?
- E. Whether the Chairman has exercised discretion beyond the statutory mandate envisaged under the Wildlife (Protection) Act, 1972?
- F. Whether the decision of the Chairman in the 14th meeting of Board is in consonance with the legislative intent of the Wildlife (Protection) Act, 1972?

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G. Whether the decision of the Chairman in the 14th meeting of Board is in consonance with India's Wildlife Action Plan (2017-2031)?

ACTS AND LAWS RELIED UPON

1. The Constitution of India Act, 1950;
2. The Wildlife (Protection) Act, 1972;
3. The Karnataka State Board for Wildlife Rules, 2006;
4. India's Wildlife Action Plan (2017-2031)

AUTHORITIES/ CASE LAWS CITED

To be relied upon at the time of arguments.

Advocate for the petitioner



DATE: 1st June, 2020

PLACE: Bangalore

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IN THE HIGH COURT OF JUDICATURE AT BENGALURU

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION WRIT PETITION

NO. OF 2020

In the matter of Articles 21, 48(A), 51 (g) and 226
of the Constitution of India;

AND

The Wildlife (Protection) Act, 1972

AND

Karnataka State Board for Wildlife Rules, 2006

IN THE MATTER OF

1. Project Vruksha Foundation

Through its President

House No. 26/B (2646), 36th 'a' Cross Road

Jayanagar 9th Block

Bangalore- 560069

PETITIONER

VERSUS

1. State Board for Wildlife (SBWL)

Through the Member Secretary

Aranya Bhavan, 2nd Floor,

18th Cross, Malleswaram, Bengaluru-560003

Email: pccfwl@gmail.com

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2. State of Karnataka

Through the Additional Chief Secretary (FEE)
 Forest, Environment and Ecology Department
 Karnataka Government Secretariat,
 Room No. 447, 4th Floor, Gate No. 2,
 M. S. Building, Bangalore-560001
 Email: prsfec@gmail.com

3. National Tiger Conservancy Authority,

Through the Member Secretary,
 NTCA HQ (New Delhi)
 B-1 Wing, 7th Floor,
 Pt. Deendayal Antyodaya Bhawan,
 CGO Complex,
 New Delhi-110003
 Email: ms-ntca@nic.in

4. Standing Committee of the National Board for Wildlife

Through the Member Secretary
 6th Floor, Vayu Wing
 Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj
 New Delhi 110 003
 Email: ecy-moef@nic.in

5. Ministry of Environment, Forest and Climate Change (MoEF & CC)

Regional Office (Southern Zone)
 Santhosapuram, 1st Block Koramangala
 Kendriya Sadan, Kormangla
 Bangalore- 560034

RESPONDENTS


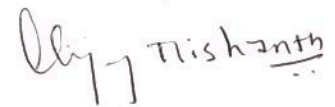
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Shri Nishanth

PUBLIC INTEREST LITIGATION PETITION

A. Particulars of The Cause/ Order Against Which the Petition Is Made:

1. The instant petition raises question of *vires* on the decision of the Chairman of the Karnataka's State Board for Wildlife taken at the 14th meeting held on 20th March, 2020 of the Board to recommend HARP for Wildlife Clearance ignoring objections of the majority Board members. Such decision of the Chairman overturns the final decision of the Board of rejecting HARP for Wildlife Clearance taken in the 13th meeting held on 9th March, 2020 of the Karnataka-SBWL.
2. The 14th meeting held on 9th March, 2020 of the Karnataka-SBWL was convened by the Chairman in violation of the Rule 4 (2) of the Karnataka State Board for Wildlife Rules, 2006 by issuing only a 3 days prior notice and in violation of Rule 9 of the Karnataka State Board for Wildlife Rules, 2006 which only allows the Chairman to invite people with experience in wildlife conservation to any meeting of the Board, but instead the Chairman invited the Chief Secretary of the State, Minister of Industries, Ministry of Labour and previous longest serving Industry Minister of the State.
3. The "Special Invitees" of the Chairman were the only people in the 14th meeting held on 20th March, 2020 to forward pro-project arguments as oppose to unanimous rejection of HARP by the majority Board members. Thereby, the Chairman being influenced by the pro-project arguments forwarded by his "Special Invitees" decided to recommend HARP for Wildlife Clearance, against the decision of the majority members of the Board. Also, Chairman failed to record any reasons for overturning the final decision of the Board taken in the

13th meeting held on 9th March, 2020.

B. Particulars of the Petitioner:

2. The Petitioner is a Trust registered under the Indian Trust Act 1982 under Registration No. 952/2015-2016 and its members are dedicated in urban conservation and animal activism. The president of the foundation is a member of Bangalore Biodiversity Management Committee.

A copy of the Registration Certificate of the Foundation Trust and a copy of the resolution by the Petitioner Trust dated 20th May, 2020 to approach this Hon'ble Court with the instant PIL is marked and annexed herewith as **Annexure- 2** (colly).

C. Particulars of the Respondent:

3. **The Respondent No. 1** is the Karnataka State Board for Wildlife (SBWL), which is constituted under Section 6 of the Wildlife (Protection) Act, 1972 inserted by the Wildlife (Protection) Amendment Act, 2003 in order to advise the State Government of the respective State in matters related to wildlife conservation and protection. The Karnataka – SBWL is the Board whose chairman convened the impugned 14th meeting on 20th March, 2020 and decided to recommend/ approve HARP for wildlife clearance by overturning Board's unanimous decision of rejecting Wildlife Clearance to HARP taken on 13th meeting of the Board held on 9th March, 2020; **Respondent No.2** is the Karnataka Forest Department, Government of Karnataka who is the custodian of Forest and Wildlife in the State of Karnataka and also the Department who processes Wildlife Clearance Proposals and provides recommendation to reject or approve Wildlife Clearance vide Part- III,IV &V of the Wildlife Clearance Proposal; **Respondent No.3** is the National Tiger Conservation Authority constituted under Section 38 L of the Wildlife (Protection) Act, 1972, inserted by the

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Wildlife (Protection) Amendment Act, 2006 to perform such function as mentioned under Section 38-O of the Wildlife (Protection) Act, 1972, especially to assess and evaluate various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as mining, industry and other projects within the tiger reserve and to ensure that tiger reserves and areas linking one protected areas with another protected area or tiger reserve are not diverted for ecologically unsustainable uses; **Respondent No. 4** is the Standing Committee of National Board for Wildlife constituted under Section 5-B of the Wildlife (Protection) Act, 1972 for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board; **Respondent No. 5** is the Regional Office (Southern Zone) of the Ministry of Environment, Forest and Climate Change (MoEF & CC) who is the nodal office for processing Forest and Wildlife Diversion Proposals in the Southern Zone of India.

D. Declaration and undertaking of the Petitioner: -

- (i) The Petitioner state and submit that the present Petition is being filed in public interest and the Petitioner have no personal interest in the matter.
- (ii) That the entire litigation costs, including the advocate's fee and other charges are being borne by the Petitioner.
- (iii) That a thorough research has been conducted in the matter based on which the grounds are raised in the petition.
- (iv) That to the best of the knowledge of the Petitioner and research done by them that the issues raised in this petition were not dealt with or decided in any other petition and that a similar or identical petition was not filed earlier by them.
- (v) That the Petitioner have understood that in the course of hearing of this

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petition the court may require any security to be furnished towards costs or any charges and the Petitioner shall comply with such requirements.

- (vi) The Petitioner state and submit that there is/was no litigation or case filed or pending against the Petitioner in any civil, criminal, revenue court or any other court in respect of the issues raised in the petition or in respect of the property in respect of which the petition is filed.

E. Jurisdiction:

The petitioner have invoked the Writ Jurisdiction under the Hon'ble High Court under Article 226 of the Constitution and this Court has jurisdiction to issue a Writ of Mandamus to quash and set aside the proceeding and decision of the 14th meeting of Karnataka State Board for Wildlife (SBWL) held on 20th March, 2020 taken by abuse of discretion by the Chairman of the Karnataka State Board for Wildlife (SBWL) to recommend/Approve the HARP for Wildlife Clearance by over-turning the Board's unanimous decision of rejecting it in the 13th meeting of the Board held on 9th March, 2020. This Hon'ble Court also has the jurisdiction to issue a Writ of Mandamus to upheld the decision of the Board's 13th meeting held 9th March, 2020 as the final decision of the Board.

F. Facts in brief, constituting the cause:

- 4. The Hubli-Ankola Railway Line Project (herein after "HARP") was conceived in 1998 by the Ministry of Railways. This railway line was primarily planned to serve freight traffic. As per the earlier project documents, the main purpose for proposing a new broad gauge line was primarily for transportation of iron and manganese ore from Bellary - Hospeth region to upcoming two new ports of Tadri (near Ankola) and Karwar on the western coast of Karnataka and also to the existing ports of

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Vasco and Madgaon in Goa. The estimated cost of the project which was then Rs 483.15 crores has been now revised to Rs 3984.637 crores. (based on Cost-Benefit-Analysis submitted along with the Forest Diversion Proposal for HARP)

A copy of the Cost-Benefit-Analysis submitted along with the Forest Diversion Proposal for HARP is herewith marked and annexed as Annexure- 3.

5. The proposed broad-gauge line between Hubballi – Ankola passes through the Western Ghats, which has been declared as a world heritage site by the UNESCO in 2012. The Western Ghats are unique in terms of their geomorphological features and are known for high degree endemism, biological diversity and ecological processes that influence the monsoon. The entire catchment of Western Ghats is known to provide water security to the peninsular India. The proposed alignment passes through the Western Ghats forests and the project region is part of Bedthi Conservation reserve (at Yellapur), close to Dandeli Hornbill Conservation reserve and located in the buffer region of Anshi-Dandeli Tiger Reserve (is about 6.5 km from Anshi-Dandeli Tiger Resrve).
6. The User Agency in September, 1998 applied for forest diversion of 965 ha of forest land falling in Dharwad, Yellapur and Karwar forest division of Dharwad and Uttara Kannada districts of Karnataka for HARP. The Principal Chief Conservator of Forest (PCCF), Karnataka vide letter dated 20th November, 2002 addressed to the Principal Secretary (Forest), Government of Karnataka stated that there appears to be no case or national interest served by constructing Hubli-Ankola rail line. He rejected the project from Forest and Environmental aspect, from railway economic aspect and also from the mining and steel plant aspect.

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7. Overlooking the objection raised by the Principal Chief Conservator of Forest (PCCF), Karnataka PCCF, the State of Karnataka vide letter dated 29th November, 2003 forwarded the forest diversion proposal to the Ministry of Environment and Forest (herein after "MoEF") with their observation that this new railway line will further fragment the forests and expose fresh areas to anthropogenic pressures. He concluded however, those appeared inevitable given the importance of the line for the State.
8. Rule 4 The Forest (Conservation) Rules 1981 mandates that for forest diversion proposal which requires more than 40 ha of forest land, site inspection shall be done by the officers of the Regional Office of MoEF and that the Forest Advisory Committee (FAC) shall examine such proposal along with the site inspection Report of the Regional Office of MoEF.
9. Thus, accordingly the Deputy Conservator of Forest (Central), Regional Office, MoEF, Bengaluru carried out a site inspection of the forest land proposed for diversion for the proposed project and thereafter the Chief Conservator Forest (CCF) (Central), Regional Office, MoEF, Bengaluru vide his letter dated 15th April, 2004 submitted a detailed report to the MoEF and recommended rejection of the proposal based on his site inspection. He stated that there appears no justification for the railway line on the other hand it would be a tragedy on the prime forests of Western Ghats. The areas in the project region would be subjected to soil loss, bio-diversity degradation and it will lead to adverse impact on hydrological system of major rivers and irreversible effect of fragile ecological system of Western Ghats.
10. The Forest Advisory Committee (FAC) in its meeting on 27th May, 2004 considered the said proposal along with site inspection report of the CCF (Central) and also opined that there appears to be no justification for the

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railway line project through the eco fragile area of Western Ghats. Other alternative railway line is already available for transportation of ore. Therefore, the FAC rejected recommendation for the diversion of 965 ha of forest land on account of its adverse impact on the prime forests of Western Ghats because of soil erosion, biodiversity degradation, adverse impact on hydrological system and irreversible effect on fragile ecosystem of Western Ghats. Thereafter, based on the observation made by the Forest Advisory Committee (FAC), the MoEF vide letter dated 10th June, 2004 addressed to the Government of Karnataka rejected the forest diversion proposal on merit.

11. To sum it up, up-to the year 2004, the forest diversion proposal for HARP was rejected by the PCCF, Karnataka in 2002, also by the Regional Office of MoEF in 2004, thereafter, by the Forest Advisory Committee in 2004 which then lead to final rejection by the Ministry of Environment and Forest (MoEF) in 2004.
12. After such rejections, the User Agency revised the forest land required for HARP and applied for a fresh forest diversion proposal for diversion of 720 ha on 23rd June, 2005.
13. In fact in 2006, an application numbered 952/2006 was filed before the Central Empowered Committee (herein after "CEC") of the Hon'ble Supreme Court by Parisara Samrakshana Kendra and Wilderness Club against the diversion for forest land falling in ecologically sensitive western Ghats in the State of Karnataka for laying of the new 168.289 km Hubli-Ankola Board Gauge Railway line.
14. The User Agency in 2008 further revised the forest land required for the project to 683.62ha and submitted fresh forest proposals to the Karnataka

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Forest Department, which in turn was forwarded to Regional Office of MoEF at Bangalore.

15. While the matter was sub judice before the CEC of the Hon'ble Supreme Court, the Infrastructure Development Department (IDD), Government of Karnataka on 19th February, 2011 engaged the Indian Institute of Science (IISc), Bangalore to undertake the investigations related to biodiversity. Environment Impact Assessment (EIA) and suggest mitigative measures in respect to HARP.
16. Meanwhile, the Hon'ble Supreme Court of India in a series of directions passed in W.P (C) No. 562/ 2009 since May, 2011 regulated mining in an environmentally sustainable manner in Bellary-Hospet Sector and also in Districts of Chitra Durga and Tumkur in the State of Karnataka. The Hon'ble Supreme Court vide its judgment dated 18th April, 2013 has prescribed a ceiling of 25 Million Metric Tons (MMT) for total production of iron ore from all the mining leases in Bellary District and a ceiling of 5 MMT for production of iron ore from all the mining leases in District Chitra Durga and Tumkur together. The Hon'ble Supreme Court has directed that the Iron ore which becomes available should be used for meeting the iron ore requirement of the steel plants and associated industries located in Karnataka and also of those plants located in the adjoining states which have been using the iron ore from the mining leases located in these Districts, Exports, outside the country should be permissible only in respect of the material which the steel plants and associated industries are not willing to purchase or on above the average price realised by the monitoring Committee for the corresponding rates of fines/lumps during the sale of about 25MMT of the existing stock of iron ore. Similarly, the iron ore produced by the beneficiation plants after processing should not be

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permitted to be exported outside the Country. The Steel Plants and associated industries have reportedly placed before the Hon'ble Supreme Court to increase the above said total ceiling of 30MMT on the ground that their total annual requirement of iron ore is much more.

17. The Hon'ble Supreme Court has till date not agreed to increase the above said ceiling of 30 MMT of annual production. During the last four years there has been no export of iron ore from Bellary-Hospet sector. In the above background there is practically of large-scale export of iron ore taking place from Bellary-Hospet area in the near future.

18. The CEC on 18th April 2013 carried out a site investigation of the HARP site and thereafter, conducted meeting with Chief Secretary and other officers of the Government of Karnataka. The IISc gave a presentation too on their mitigation measure study conducted on the HARP region.

19. In 2015, the CEC submitted their report before the Hon'ble Supreme Court and expressed their opinion that the project would cause huge and irreparable damage to the forests, wildlife and biodiversity of the Western Ghats and which would far outweigh the actual tangible benefits of HARP. The report also notes that even reduction of the forest land will make no material difference. The adverse impact of HARP on forests, wildlife habitat and bio-diversity is not likely to remain confined to only the forests area diverted but to a much larger area around the HARP region because of fragmentation of habitat, encroachments, illegal felling, diversion of forest land for housing, infrastructure development and other projects. According to CEC, no amount of mitigative measures would be adequate to contain the severe adverse impact of HARP on the biodiversity rich Western Ghats. The report also highlighted the fact that the Forest Diversion Proposal was previously rejected on merits by the MoEF& CC on ecological and

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environmental consideration and thus, the HARP should not be reviewed or approved.

Thus, CEC advised the Hon'ble Supreme Court to direct the Ministry of Environment and Forest (MoEF & CC) not to re-consider/ approve the proposal for the forest diversion for HARP.

The entire history of the HARP and issues related to forest diversion has been narrated in the instant petition from the Central Empowered Committee's report submitted before the Hon'ble Supreme Court of India in 2015.

A copy of the CEC report submitted before the Hon'ble Supreme Court of India is herewith marked and annexed as Annexure-4.

20. Thereafter, The Hon'ble Supreme Court transferred the case to the Hon'ble National Green Tribunal. The National Green Tribunal without adjudicating on the merits of the case, directed the State Government to submit a fresh Forest Diversion Proposal vide its order dated 10th February, 2016.

A copy of the order dated 10th February, 2016 of the Hon'ble National Green Tribunal directing the State Government to submit fresh Forest diversion proposal is herewith marked and annexed as Annexure-5.

21. Thereafter, The User Agency applied for a fresh Forest Diversion Proposal on 23rd April, 2016 and applied for a Wildlife Clearance proposal on 17th June 2016 in the website of MoEF & CC "PARIVESH" respectively, both proposals were numbered as. FP/KA/RAIL/19023/2016.

A copy of the screenshot of the timeline of the Forest Diversion Proposal and a copy of the screenshot of the timeline of Wildlife Clearance proposal accessed from the website of MoEF & CC is herewith marked and annexed as Annexure-6 (colly).

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22. In 2017, the Regional Office, MoEF & CC, Bangalore while processing the forest diversion proposal for the HARP, realising its location in the Western Ghats biodiversity rich region constituted a committee for critical appraisal of the project area. The Committee after thorough field appraisal submitted their report. The report brings on record the need for conducting an EIA as the number of trees to be felled are very high, the fact that the project area lies between Kali and Gangavalli (Bedthi) river which supports the existing and spill over wildlife population of Dandeli Wildlife Sanctuary and Kali Tiger Reserve. The critical points raised by the committee were referred to the State. The State in their reply did admit the fact that the, proposed alignment passes through the default eco-sensitive zone of 10kms of Kali Tiger Reserve covering the critical stretches of the proposed railway line. (the findings of the REC constituted committee are recorded in the minutes of 20th meeting REC held on 29th August, 2017)

23. The REC in their 12th meeting held on 29th August, 2017 recommended the project for Stage-I approval under the Forest (Conservation) Act, 1980 and directed the State Government to pursue the wildlife clearance. Also, the REC observed that the project is located in the Western Ghats region, an important biodiversity hotspot thus, a critical appraisal of the project from the wildlife conservation prospective needs to be done.

A copy of the minutes of REC's 12th meeting held on 29th August, 2017 is herewith marked and annexed as Annexure-7.

24. In December, 2017, the Additional Director General of Forest (PT) & Member Secretary of NTCA (MoEF & CC) directed Inspector General of Forest, NTCA, Regional Office to conduct a site appraisal and evaluate the proposed diversion of 595.64 ha of forest land vis-à-vis tiger distribution, its dispersal, and suggest mitigation measures and their feasibility if any.

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Subsequently, the NTCA conducted a site appraisal on 23rd February, 2018 of the Kali Tiger Reserve, Karwar, Yellapur and Dharwad division and submitted a report recommending complete rejection of the project.

A copy of the NTCA's regional office's Wildlife Appraisal report is herewith marked and annexed as **Annexure-8.**

25. Thereafter, the Standing Committee of the National Board for Wildlife (NBWL) deliberated on the wildlife clearance proposal for the first time during their 48th meeting held on 27th March, 2018. The Standing Committee of the NBWL noted that the project has been rejected by the NTCA based on their wildlife appraisal report as the proposed rail line passes through very dense forest cover and cuts across the Western Ghats and the area is old migration path of Indian Elephants and is the habitat of thriving population of tigers. Bearing all this in mind, the Standing Committee of the NBWL formed a committee constituting of: one representative of Wild Life Institute of India; one representative of NTCA; and one person from the Wildlife Division of MoEF & CC. The Site Inspection Committee was directed to visit the site and submit their report to the Ministry. The Committee thus constituted submitted its report in August 2018.

A copy of the minutes of the 48th meeting held on 27th March, 2018 of the Standing Committee of NBWL whereby they constituted the committee of three expert members is herewith marked and annexed as **Annexure-9.**

26. The Site Inspection Committee constituted by the Standing Committee of NBWL submitted their report in August, 2018 and it was discussed and deliberated by the Standing Committee of the NBWL in the 50th meeting held on 7th September, 2018. The Deputy Inspector General of Forest (NTCA) informed the Standing Committee that the Site Inspection

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Committee has not recommended the project and read out the conclusion of the report, as recorded in the minutes as:

“the proposed railway line from Huballi-Ankola passes through very forest cover and cuts across the Western Ghats, which are biodiversity hotspot and a world heritage site. He also stated that the proposed line fragments the old migration path of India elephants, and is also one of the six tiger occupied landscape of India and currently the Western Ghats landscape possesses best habitat connectivity and contiguity.”

A copy of the Site Inspection Committee’s report submitted to the Standing Committee of the NBWL in August, 2018 is herewith marked and annexed as **Annexure-10.**

27. Thereafter, the DIGF (NTCA) also pointed out during the Standing Committee of the NBWL 50th meeting held on 7th September, 2018 that the State Board for Wildlife is yet to provide their recommendation. The Standing Committee thereby decided to send back the Wildlife Clearance Proposal to the State Government along with the reports of the NTCA and the Site Inspection Committee with advice to get the issue examined by the State Board for Wildlife and submit the recommendation of the SBWL.

A copy of the minutes of the 50th meeting held on 7th September, 2018 of the Standing Committee of NBWL whereby the report submitted by the Site Inspection Committee was discussed is herewith marked and annexed as **Annexure-11.**

28. Thereafter, the Karnataka-SBWL considered the Wildlife Clearance Proposal during their 11th meeting held on 9th January, 2019, 12th meeting held on 26th September, 2019, the minutes of the 11th and 12th meeting records:

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“The subject was discussed in detail. The Board decided to defer the subject as the facts before the Board were insufficient to take a decision of the subject”

A copy of the minutes of the 11th meeting held on 9th January, 2019 and a copy of the minutes of the 12th meeting held on 26th September, 2019 is herewith marked and annexed as **Annexure-12 (colly)**

29. Thereafter, Wildlife Clearance Proposal was again placed before the Board in their 13th meeting held on 9th March, 2020. The proposal was discussed extensively by the members, where by the Board unanimously decided to reject the proposal, including the Chief Minister/ chairperson of the Board and the Minister for Environment, Ecology & Forest Department, Government of Karnataka rejected the proposal.

A copy of the 13th meeting held on 9th March, 2020 of the Karnataka-SBWL is herewith marked and annexed as **Annexure-13.**

30. In the 14th meeting held on 20th March, 2020 of the Karnataka-SBWL, the Chairman of the Board overturned the decision taken by the Board in the 13th meeting held on 9th March, 2020 of the Karnataka-SBWL. The decision of the Chairman was taken by being influenced by the presence of his 4 ‘special invitees’ who forwarded pro-project arguments in favour of HARP. Such 4 special invitees were, the Minister for heavy industries, Minister for Labour, Ex-Minister of Industries and the Chief Secretary of the State who argued in favour of the Wildlife Clearance for HARP grounds such as; the project inaugurated by the then Prime Minister Shri Atal Bihari Vajpayee; that the project was approved by then Chief Minister of Karnataka in 2003 on the file; it is a prestigious project for the people of North Karnataka; the existing fully double rack railway line via Londa- Madgao to Belekere port being 80 km more in distance than the proposed line.

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A copy of the 14th meeting held on 20th March, 2020 of the Karnataka-SBWL and a copy of the 14th meeting notice and agenda dated 17th March, 2020 is herewith marked and annexed as **Annexure-14 (colly)**.

G. Issues raised with respect to the impugned decision:

The concerns raised with respect to the impugned decision are:

- A. Whether the 14th meeting held on 20th March, 2020 was convened in violation of the Rules of the Karnataka State Board for Wildlife Rules, 2006?
- B. Whether the Chairman has the power to re-convene a meeting only to re-discuss HARP when the Board had already unanimously taken their final decision with regard HARP in the 13th meeting?
- C. Whether the Chairman has failed to record any reason to substantiate his decision in the 14th meeting held on 20th March, 2020?
- D. Whether the decision of the Chairman in the 14th meeting of the Board qualify as a decision taken by a Statutory Body in absence of detailed reasons?
- E. Whether the Chairman has exercised discretion beyond the statutory mandate envisaged under the Wildlife (Protection) Act, 1972?
- F. Whether the decision of the Chairman in the 14th meeting of Board is in consonance with the legislative intent of the Wildlife (Protection) Act, 1972?
- G. Whether the decision of the Chairman in the 14th meeting of Board is in consonance with India's Wildlife Action Plan (2017-2031)?

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A. The 14th meeting held on 20th March, 2020 of the Karnataka -SBWL was convened in violation of the provisions of the Karnataka State Board for Wildlife Rules, 2006

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B. Presence of special Invitees raises conflict of Interest

31. The agenda and the notice for the 14th meeting convened on 20th March, 2020 of the Karnataka- SBWL was circulated by the Member Secretary of the Board only three days prior to the meeting i.e. on 17th March, 2020. It is submitted that sending such short notice violates Rule 4 (2) of the Karnataka State Board for Wildlife Rules, 2006, the Rule mandates, the Member Secretary after seeking approval of the Chairman to circulate the agenda and notice of the meeting to all the members of the Board at least 15 days prior to the date of such meeting.

32. That, Rule 9 of the Karnataka State Board for Wildlife Rules, 2006 only allows the Chairman of the Board to invite any person or persons having experience in Wildlife conservation to attend the meeting of the Karnataka-SBWL as invitees. But in complete violation of Rule 9, the Chairman invited, Shri Jagadish Shettar (Minister of Large and Medium Scale Industries), Shri Shivaram Hebbar (Minister of Labour and Minister of Sugar), Shri R.V. Deshpande (MLA and former Minister for large and Medium Scale Industries) and the Chief Secretary of the State of Karnataka, all of whom have no experience in wildlife conservation and no credibility to preside over the meeting of State's highest wildlife related decision making Board.

33. It is imperative to point out that Shri Jagadish Shettar (Minister of Large and Medium Scale Industries), has been publicly denouncing his vested

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interest in getting the HARP approved by the Karnataka- SBWL. He is simply making such public remarks for his electoral gain in Hubballi-Dharwad region. Thus, his presence in the meeting of the State's highest Wildlife decision making Board vitiates the entire proceeding as it raises serious conflict of Interest and is detrimental for the interest of environment and wildlife of the State of Karnataka. The Deccan Herald newspaper published and circulated on 29th January, 2020 records his keen interest of getting the proposed railway project cleared by the Chief Minister/ Chairperson in the meeting of the SBWL.

A copy of the newspaper clipping of Deccan Herald dated 29th January, 2020 is herewith marked and annexed as **Annexure-15.**

34. Mr R V Deshpande another invitee is the sitting MLA from the project district of Uttar Kannada and the longest serving Industry Minister of Karnataka. It is submitted that HARP was conceived in 1997-1998 when he was the Industry Minister in the J H Patel Ministry. In fact, he was the Industry Minister of the State between 2015-2018 when again the forest clearance and wildlife Clearance for HARP was applied for by the User Agency. Moreover, over the years he has shown keen interest in getting the HARP out of procedural troubles and environmental concerns. He tweeted in July, 2017 that the MoEF has cleared HARP, which by itself is a misinformation.

A screenshot copy of the Tweet of July, 2017 by Mr R V Deshpande is herewith marked and annexed as **Annexure-16.**

35. It is imperative to highlight from the minutes of the 13th meeting held on 9th March, 2020 that the Chief Secretary of the State was invited to the proceedings of the 13th meeting of Board as well and he was the only person in the meeting who spoke in favour of HARP by stating that the Central

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interest in getting the HARP approved by the Karnataka- SBWL. He is simply making such public remarks for his electoral gain in Hubballi-Dharwad region. Thus, his presence in the meeting of the State's highest Wildlife decision making Board vitiates the entire proceeding as it raises serious conflict of Interest and is detrimental for the interest of environment and wildlife of the State of Karnataka. The Deccan Herald newspaper published and circulated on 29th January, 2020 records his keen interest of getting the proposed railway project cleared by the Chief Minister/ Chairperson in the meeting of the SBWL.

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Government had approved the project since 1990's, the Central Government is reviewing the project and enquired for the delay, project can be implemented with mitigation measures, the then Chief Minister had approved in the file and no wildlife sanctuary falls within the project region. Thereafter, 8 members of the Karnataka-SBWL forwarded their objection based on the wildlife Appraisal Report submitted by NTCA and Site Inspection Committee of NBWL and thereby a unanimous decision to reject HARP was taken.

36. Thus, presence of such "Special Invitees" who seems to have attended the 14th meeting of Karnataka-SBWL with the sole objective of forwarding pro-project frivolous arguments based on their vested interest in getting the HARP approved by overshadowing the majority members of the Board and by influencing the Chairman raises serious conflict of Interest.

C. The Chairperson has failed to record any reason to substantiate his change of decision

37. It is submitted that the Chairman in the 14th meeting held on 20th March, 2020 of the Karnataka-SBWL has failed to record any reasons as to why he chose to overturn his earlier decision taken during the 13th meeting held on 9th March, 2020 of rejecting the proposal for Wildlife Clearance based on unanimous decision of the Board.

38. The only reason apparent from the minutes of the 14th meeting for such change of decision of the Chairman is being influenced by the pro-project arguments forwarded by his four "Special invitee" who have no experience in wildlife conservation. The pro-project arguments forwarded by such "special invitees" can be summed up as: the development of this railway line will lead to holistic development of the area; Development of

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infrastructure project will bring development in the region; IISc has submitted feasibility report with mitigation measures for wildlife; reduction in travel time to Ankola; Central Government to bear the entire cost of the project; double the forest area can be used for afforestation; foundation stone was laid by former Prime Minister, Shri Atal Bihari Vajpayee

39. It is submitted that all members of the Karnataka-SBWL present in the 14th meeting held on 20th March, 2020 reiterated their earlier objection raised against HARP in the 13th meeting held on 9th March. Even two members namely, Shri Dinesh Singhvi (Wildlife expert) and Shri Ajay A Desai who marked their absence to the 14th meeting had emailed their objections to the Member Secretary.

40. The reasoned opinion of the experts for rejecting HARP as forwarded during the 14th meeting vis-à-vis the arguments forwarded by "special invitees" in the 14th meeting is as following:

1. **No economic viability:** The majority board members rejected HARP for being economically unviable. The observation is based on the report submitted by the Site Inspection Committee of NBWL in August, 2018. The committee in their report has stated that the development of the region from the railway line is not backed by any quantitative data or analysis. The Hubali-Dharwad region has been witnessing rapid urbanisation and economic development even in the absence of the proposed railway line. Per capita income for northern Karnataka has been increased from Rs 9,250 in 1990-91 to Rs 21,236 in 2007-08. The same facts were brought on record by the expert members of the Karnataka-SBWL. Therefore, the justification for implementing the project forwarded by the "special invitees" of the Chairman is ill perceived.

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2. **There appears to be no justification for the project:** It is not the case that Hubli-Ankola railway line will serve as the only connectivity link in the area, there are exiting alternatives available. An alternate route (Tinnaighata-Castle rock-Caranzole) to Ankola is already available which increases the travel time to Ankola merely by an hour and half. Also, the Castle Rock line has been approved for doubling by the Karnataka-SBWL in their 13th meeting held on 9th March,2020. The Belikere port near Karwar was closed after the Hon'ble Supreme Court imposed ban on mining in the region, there has been drastic reduction in the production of iron ore and there is hardly any ore transported in the last few years. The proposed line may not even get iron ore cargo in an amount as initially envisaged. Asian Development Bank funded road (NH-63) is constructed parallel to the railway line and is grossly under-utilised. The same road is also expanded hence, there arises no infrastructure crisis for transportation of ore.

3. **Development of liner infrastructure project in the region will further fragment the forest:** It was highlighted by one of the members that HARP would take 10 to 15 years to get implemented and that by itself will cause serious impact on the surrounding forests and will lead to more degradation than the project itself. The present members pointed out that HARP would be highly detrimental to forest and Western Ghats. Fragmentation of Western Ghats ecologically sensitive forests will wreak havoc in the region by accelerating flooding and landslides. Karnataka has witnesses similar incidents in the recent past in Kodagu and Charmadi Ghat in Chikmangalur due to destruction of Western Ghats forests.

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4. **IISc study has no relevance:** The study conducted by IISc, Bangalore hold no relevance as the institute does not have the expertise in providing wildlife mitigation measures for a mega project like HARP. Also, the PCCF (WL) & Chief Wildlife Warden and Member Secretary of Board stated that the IISc study is impractical and no forest officers were involved while preparing the report and the report has been prepared without consulting the Forest Department and the Chief Wildlife Warden and not even a copy of the report is submitted to the Forest Department. Moreover, an expert member pointed out that the IISc, Bangalore prepared the mitigation measure report in October, 2013 and NGT order dated 10th February, 2016 directed the User Agency to submit fresh application, hence the report of IISc, Bangalore becomes null and void.

5. **Legally incorrect to re-consider HARP:** An expert member stated that as the guideline of the MoEF & CC dated 5th December, 2017, railway projects passing through the areas linking one Protected Area or Tiger Reserve, the approval of NBWL on the advice of NTCA as provided under Section 38 (O) (i) (g) of the Wildlife (Protection) Act, 1972 is essential. The project is also rejected by NTCA in 2018. Thus, it is legally correct to drop HARP.

41. But the Chairman deemed fit to turn an blind eye towards the reasoned objections raised by the experts and majority Board members present in the 14th meeting held on 20th March, 2020 and align with the pro-project arguments forwarded by his "special invitees" and recommend HARP for Wildlife Clearance without recording any reason to substantiate such decision.

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D. The Environment Impact Study conducted by IISc, Bangalore holds no relevance to the present wildlife clearance proposal:

42. The Infrastructure Development Department (herein after 'IDD'), Karnataka. IDD engaged IISc, Bangalore as consultant to undertake the investigation related to Bio-diversity, Environmental Impact Assessment (herein after "EIA") and suggest mitigation measures for HARP on 19th February, 2011. The IISc conducted the study and submitted their Technical Report captioned "*Biological Diversity and Environmental Impact Assessment with Mitigation Measures: Hubli-Ankola New Broad-Gauge Railway Line*" in February, 2012. The Technical Report deals with the silent feature of the HARP, methodology followed for carrying out the studies, EIA, Environment Management Plan (herein after EMP) and alternatives suggested at Micro Level to reduce the impact on forests.

43. It is submitted, that although Indian Institute of Science (IISc), Bangalore is an institute of great repute but neither it is not an expert in the domain of Wildlife nor is it an NABET Accredited EIA consultant recognised by MoEF to carry out EIA study for projects to be implemented in critical wildlife areas. Moreover, the Hon'ble Supreme Court in **T.N Godavarman Thirumulpad vs Union of India (I.A 2750-2752 in WP (C) 202/1995** has condemned consideration of EIA study commissioned by project proponent by non-sanctioned agencies and at para 79 held:

".... we would also like to point out that environmental impact studies in this case were not conducted either by the MoEF or any organisation under it even by any agencies appointed by it. All the three studies that were finally placed before the Expert Appraisal Committee and which this Court has taken into consideration, were

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made at the behest of the project proponents and by agencies of their choice. This Court would have been more comfortable if the environment impact studies were made by the MoEF or by any organisation under it or least by agencies appointed and recommended by it. "

44. The Environment Management Plan prepared by IISc, Bangalore proposes a number of mitigation measures. These include: Compensatory Afforestation; setting up of nurseries; fencing of forest land; afforestation of degraded areas; joint patrolling, imposed speed limits in vulnerable stretches; involvement of affected person in the eco-system restoration works; undertaking mitigation measures during construction phase; constitution of an Independent Waste Management Cell and construction of post project Monitoring Task Force. The estimated expenditure in this regard as stated by IISc is Rs 450 crores. The Central Empowered Committee (CEC) of the Hon'ble Supreme Court perused the report submitted by the IISc and CEC in their report submitted to the Hon'ble Supreme Court at page 52 & 53 at Para 52 held:

"It is relevant to mention that the proposed mitigation measures are otherwise also generally prescribed while approving diversion of forest land under the Forest (Conservation) Act, 1980."

45. It is submitted that CEC in their detailed report submitted to the Hon'ble Supreme Court in page 49 to page 55 paras 49 to 55 has considered the mitigation measure suggested by the IISc, Bangalore study report in detail and thereafter in their observations and recommendations recorded in the report submitted by CEC at para 55, page 55 held:

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“no amount of mitigation measures would be adequate to contain the severe adverse impact of the project on the biodiversity rich dense forests of the Western Ghats and ecology within reasonable limits”

46. Thus, the Central Empowered Committee has considered the merits of the mitigation measures suggested in the Technical Report submitted by IISc, Bangalore and found such mitigation measures insufficient and general in terms of mitigating the adverse impact of HARP on the critical wildlife habitat of schedule wildlife like Tigers and Asiatic Elephants amongst many other species. Therefore, a decision to recommend wildlife clearance for HARP through ecologically sensitive region of the Western Ghats cannot be justified by citing a Technical Report whose primary focus was to facilitate the implementation of project rather than analysis and studying the impact of HARP on wildlife and its habitat.

The CEC’s report is already annexed above as Annexure-4 and a copy of the EIA Chapter from the IISc, Bangalore study report as submitted by the User Agency while seeking Forest and Wildlife Clearance is herewith marked and annexed as Annexure- 17.

47. Additionally, REC, MoEF & CC in their 20th meeting held on 29th August, 2017 had directed the State Government of Karnataka to conduct an EIA study to understand the impact of HARP as it entails felling of 2.2 lakh trees and specially recommended conducting a critical appraisal of the HARP from the wildlife conservation perspective as HARP is proposed in the ecologically sensitive region of the Western Ghats

48. It is submitted that no such wildlife appraisal or EIA study was conducted by the State. It is only the NTCA and the Site Inspection Committee of the NBWL has conducted wildlife appraisal of the HARP and both such committee/ bodies rejected HARP underlining the irreversible damage the

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project is going to have on Western Ghats Tiger landscape and other large herbivores such as the Indian Elephant.

E. The decision of the Chairperson in the 14th meeting of Karnataka-SBWL was taken in complete disregard to the Wildlife Appraisal study report submitted by the NTCA and the report of the Site Inspection Committee of the NBWL

49. It is pertinent to highlight that in 2017, the Wild Clearance Proposal for HARP was forwarded to the Standing Committee of NBWL by the Government of Karnataka without obtaining the prior recommendation of the Karnataka-SBWL. Also, to note that the Wild Clearance Proposal for HARP was simply forwarded to the Standing Committee of NBWL by the Government of Karnataka by only obtaining the signature of the Chief Minister, Government of Karnataka & Chairman of the Karnataka-SBWL.

50. That Part V of the Wildlife Clearance Proposal states that recommendation of the Karnataka-SBWL to be obtained in a subsequent meeting of the Board. On this ground alone, the Standing Committee of NBWL sent the Wildlife Clearance Proposal back to the State Government along with copies of the Wildlife Appraisal reports submitted by the NTCA and the Site Inspection Committee of the NBWL with clear direction to get the issue examined by the Karnataka-SBWL in light of the reports and obtain their recommendations. The same are recorded in the minutes of the 50th meeting of the Standing Committee of NBWL held on 9th September, 2018.

A copy of Part V of the Wildlife Clearance Proposal as forwarded by the Government of Karnataka to the Standing Committee of NBWL for their recommendation with only the signature of the Chief Minister without the

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recommendation of the Board is herewith marked and annexed as **Annexure- 18.**

51. The IGF, NTCA, Regional office, Bengaluru was directed by the National Tiger Conservation Authority to cause site appraisal and evaluate the proposed diversion area vis-a-vis tiger distribution, its dispersal and suggest mitigation measures and their feasibility, if any [Reference-NTCA letter F.No. 7-58/2017-NTCA Dated 5th December, 2017]. Accordingly, a field visit was made on 23rd February, 2018 by the undersigned to Kali Tiger Reserve, Yellapur and Karwar forest divisions for site appraisal. The IGF (NTCA) Regional office prepared a report and submitted to NTCA in March, 2017 and recommended rejection of HARP. The NTCA report concludes:

“the proposed Hubballi-Ankola Board gauge line through Uttara Kannada district which has very high forest cover and cuts across the Western Ghats, a biodiversity hotspot and a world heritage site. It also fragments the old migration path of Indian elephants. Out of the 6-tiger occupied landscape of India, currently the Western Ghats landscape possess best habitat connectivity and contiguity. The tiger occupancy in the Western Ghats landscape is highly dynamic and shows spatial and temporal variation. Further, recent research highlights that future of tigers in India depends on conserving the habitat connectivity between isolated tiger populations of tiger reserves. In view of the aforementioned observation, the proposed railway line will be having significant negative impact on long-term conservation of tigers and other mega herbivores in the Western Ghats landscape by fragmenting existing habitat connectivity and contiguity.”

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52. The Site Inspection Committee of the NBWL also submitted a report to the MoEF & CC in August, 2018 and the same was deliberated in the 50th meeting held on 7th September, 2018. The report submitted by the Site Inspection Committee of the NBWL also rejected HARP. The main reasons for rejecting the project recorded in the report are as under:

- i. The extremely fragile eco system of the Western Ghats will not be able to sustain or buffer impacts caused by a development project of the scale of Hubballi-Ankola Railway track construction;
- ii. The area of the proposed project site supports a spatial and temporally dynamic tiger population since the number and distribution of tiger occupying grid were found to be varying among 2006, 2010 and 2014. Tiger population in the project area in 2010 was estimated to be about 36-42 individuals occupying about 4,756 sq. km;
- iii. An area of 23, 881 sq. km from Dandeli-Bandipur complex has been identified as a unit which needs to be prioritised for tiger conservation in India;
- iv. The landscape has already been intersected by existing railway line network between Bhadra Tiger Reserve and Nagarhole-Bandipur-Mudumalai tiger reserve complexes;
- v. Overlaying of corridor delineated with the proposed railway line alignment indicates that the proposed railway line cuts across the optimal tiger corridor and its total length inside the corridor is approximately is 17.6 km. The location where the proposed railway line cuts across the tiger corridor has also been identified

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- as potential bottleneck area having weak links within the least cost pathway corridor;
- vi. The original rationale beyond laying the proposed Hubballi-Ankola Railway track does not appear to be quite valid as of today since the mining and export of iron ore from the region is almost nil. There is a huge scope of utilizing the existing vast network of railways and road transportation of goods and services from the coastal region to the hinterland. Existing railway and road infrastructure are grossly underutilised and are sufficient to support the limited demand of ore transportation;
 - vii. Direct benefit to the local communities is also minimal from implementation of this project. The railway track is likely to cause irrefutable impacts on a declining tiger population, a small elephant population as well as on several endangered and endemic fauna in the region
 - viii. Implementation of HARP to cause adverse impact on forest contiguity, hydrology and drainage network, distribution and behaviour of other endangered flora and fauna in the area, conservation of sacred groves, impact on microclimate are some of the irreversible impact envisaged from implementing the project;
 - ix. Mitigation is not panacea that will overcome all ill effect of developmental project by having overpasses, underpasses, ramps and tunnels. In fact, avoidance is considered as the very first mitigation step/measure. **Despite all technological and scientific development, our understanding of complex natural process in the Western Ghats which has taken millions of years to evolve, is**

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still primitive and far from complete and therefore many other impacts of the project on the natural system may remain unforeseen as of today;

- x. It is important to note that HARP has been rejected in the past from all starting from Karnataka Forest Department, MoEF CC Regional Office, Bengaluru, the CEC of Hon'ble Supreme Court and finally the Forest Advisory Committee of MoEF CC;
- xi. Economic development is important for the State but is need not happen at a greater cost to forest, wildlife of the Western Ghats landscape. With our conservation of biological diversity of the Western Ghats landscape, the economic growth and prosperity of the region will not be sustainable in the long -run;

53. Thus, it was mandatory of the part of the Chairman of the Karnataka-SBWL to have taken into consideration the findings of the reports submitted by the NTCA and the Site Inspection Committee of the NBWL and the Standing Committee of the NBWL had specifically directed the Board to examine the Wildlife Clearance Proposal in light of the above mentioned reports.

F. The Impugned Decision is against the Wildlife Conservation Spirit envisaged In the Wildlife (Protection) Act, 1972 and also against the spirit of State Board For Wild Life

54. The Preamble of the Wildlife (Protection) Act, 1972 reads as *"An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country."* Thus, the legislative intent of the legislature in formulating this Act was to

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advance the cause of protection and conservation of Wildlife and their environment in this country. The Act is prohibitory in nature as it prohibits activities detrimental to the protection and conservation of Wildlife. Activities such as hunting, removal of plants, trade and commerce of animal articles are prohibited under the Act. The Act prohibits anything and everything which is not in consonance with wildlife protection with certain exceptions.

55. Additionally, the Wildlife (Protection) Act, 1972 constitutes, Statutory Authorities/ Bodies under the Act who are entrusted with the protection and conservation of Wildlife and its habitat in the Country. Section 5A of the Act constitutes the National Board of Wildlife whose primary function under Section 5C of the Act is to promote the conservation and development of wild life and forests

56. Similarly, Section 6 of the Act constitutes State Board for Wild Life (SBWL), whereby the State Government has to constitute a committee under the chairmanship of the Hon'ble Chief Minister and vice-chairmanship of the Minister in charge of Forest and Wild Life of the respective state. Such committee to consist of three representative of non-organisation dealing with wild life, ten representative amongst eminent conservationists, ecologist and environmentalist including two representative of the Schedule Tribe, Secretary of the State in charge of Forests and Wildlife, officer in charge of the State Forest Department, representative of Wild Life Institute of India, representative of the Botanical Survey of India, representative of the Zoological Survey of India and the Chief Wild Life Warden to be the Member Secretary.

57. Section 8 of the Act provides for the duties of the State Board for Wild Life which includes selection and management of areas to be declared as

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protected areas; formulating policy for the protection and conservation of the Wild life and specified plants; measures for harmonising the needs of Tribe and other forest dwellers with the protection and conservation of Wild life and in any other matter concerned with the protection of Wild life which may be referred to it by the State Government.

58. Thus, a conjoint reading of section 5 A, 5C , 6 and 8 of the Act makes it abundantly clear that the intent of the legislature behind constitution of such statutory Boards under the Wildlife (Protection) Act, 1972 was solely for the purpose of protection and conservation of the Wildlife and in no way gives such Boards the power of discretion to compromise the interest of the Wildlife by favouring anthropogenic interests over wildlife conservation.

59. Thus, the decision of the Chairman of the SBWL to recommend HARP for wildlife clearance which entails diversion of 595.64 ha of forest, felling of over 2.2 lakh trees inside a tiger reserve which will lead to destruction of critical wildlife habitat of many Schedule -I animals and will also lead to destruction of elephant corridors under three forest division is beyond the letter and spirit of the Wildlife (Protection) Act, 1972. Moreover, the SBWL is a creation of a statute and is bound by the Statute, it has no power to exercise discretion because the provisions of the Wildlife (Protection) Act, 1972 does not allow it.

G. The decision of the Chairman taken in the 14th meeting of Karnataka-SBWL is against the National Wildlife Action Plan (2017-2031)

60. The proposed alignment passes through the Western Ghats forests and the region is part of Bedthi conservation reserve (at Yellapur), closer to Dandeli Hornbill Conservation reserve and located in the buffer region of Anshi Dandeli Tiger Reserve (is about 6.5 km from Anshi Dandeli Tiger reserve).

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61.The National Wildlife Action Plan (2017-2031) explicitly mentions that Ministry of Surface Transport and Ministry of Railways to plan roads (and railway tracks) in such a manner that National Parks and Sanctuaries are bypassed and integrity of the Protected Area is maintained. Further, the plan also suggests avoiding of wildlife corridors as much as possible.

H. GROUNDS

- A. Because the 14th meeting held on 20th March, 2020 of the Karnataka-SBWL was convened in violation of Rule 4 (2) of the Karnataka State Board for Wildlife Rules, 2006;
- B. Because the presence of Chairman’s “special invitees’ in the 14th meeting of the Karnataka-SBWL violate Rule 9 of the Karnataka State Board for Wildlife Rules, 2006;
- C. Because the Karnataka-SBWL is a recommendatory body, the same being a Statutory Committee, is bound by the laudable principles of justice and fair play while taking a decision particularly in respect of the region which is admittedly an ecologically sensitive area;
- D. Because the validity of the impugned recommendation of the Chairman deserve to be quashed on the ground of non-consideration of relevant facts as was held by the Hon’ble Supreme Court in the case of **SACHIDANAND PANDEY VS STATE OF W.B reported in (1987) 2 SCC 295, wherein it has been held:**

““if relevant considerations are not borne in mind and irrelevant considerations influence the decision, the Court may interfere in order to prevent a likelihood of prejudice to the public. Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Art. 48A of the Constitution, the Directive Principle which

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enjoins that "The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country," and Art. 51A(g) which proclaims it to be the fundamental duty of every citizen of India "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.""

- E. Because in overruling the majority opinion of the Board members of the Karnataka-SBWL, constituted under the Wildlife (Protection) Act, 1972 Chief Minister/ Chairman has acted beyond his jurisdiction as there is no such power conferred to the Chairman of the Board under the Act. Also, it is settled principle of law that a creature of the statute is bound of the statute.
- F. Because the Hon'ble Supreme Court in the case of **Mahendra Baburao Mahadik & Ors vs. Subhash Krishna Kanitkar & Ors (2005) 4 SCC 99, at Para Nos. 38** has held:

"The Municipal Council being a creature of statute was bound to carry out its functions within the four corners thereof. Being a statutory authority, it was required to follow the rules scrupulously. Concededly, the Municipal Council is not possessed of any statutory power to regularise unauthorised constructions."

- G. Because the Hon'ble National Green Tribunal has in the case of **Bimal Gogoi & Anr vs. State of Arunachal Pradesh & Ors (Appeal 30/2015/SZ)** vide order dated 24th October, 2017 set aside decision of Chairman of Standing Committee of NBWL and kept the forest clearance granted to a hydro power project in abeyance and observed that decision taken by the Chairperson by ignoring majority expert opinion of the members of the Board is un-sustainable in law. The Hon'ble NGT at para no 78 held:

"78.it is incumbent on our part to examine the decision taken by the Standing Committee of NBWL. Even if the Standing Committee of NBWL which is a delegated authority of NBWL itself is taken as an Advisory Body for NBWL to take a decision, the question is as to

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whether having constituted as per the Section 5B(2) of the Wildlife Protection Act, 1972, it will be open to the Chairperson to just like that brush aside the views of the majority of the members of the Standing Committee of NBWL. The communication of the Deputy Inspector General of Forest dated 11.2.2012 which refers about the Standing Committee of NBWL met on 13.12.2011 does not in any manner give the reason for brushing aside the views of the non-official members of the Standing Committee. Having constituted a Statutory Standing Committee as per the provisions of the Central enactment and in the absence of the method of decision to be taken by such Standing Committee, we are of the view that either the Chairperson who happens to be the Hon'ble Minister of State should have given proper reason for rejecting the objection of majority of the non-official members or the decision ought to have been arrived at based on the opinion of the majority of the members of the Standing Committee of National Board. Neither of these acceptable principles are followed in making a decision under the Wildlife (Protection) Act, 1972 by the Standing Committee. Even though the Standing Committee of NBWL is a recommendatory body, the same being a Statutory Committee, is bound by the laudable principles of justice and fair play while taking a decision particularly in respect of the region which is admittedly an ecologically sensitive area. If any convincing reason is given by the Standing Committee of NBWL, it stands differently for this Tribunal while considering the validity or otherwise of the same. In the absence of any reason but only to reject the majority of the non-official members who happened to be experts in the field and whose objections have been elicited in the communication of the Deputy Inspector General of Forest dated 11.2.2012, in our considered view and in all fairness either the Hon'ble Minister in charge of the Forest or the Standing Committee of NBWL should have taken the decision with proper reason. In the absence of any acceptable reasons, we have no hesitation to hold that the decision of the Minister as if it is the decision of the Standing Committee of NBWL which forms the basis of the granting of FC in this case under the Forest (Conservation) Act, 1980, is not sustainable in law.”

(emphasis supplied)

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H. Because the decision of the Chairman in the 14th meeting of the Karnataka-SBWL is against the wildlife conservation spirit of the State Board for Wildlife as observed by the Supreme Court in **Centre for Environment Law, WWF-I vs. Union of India (UOI) and Ors. [I.A 100 in W.P (C) No. 337 of 1995] decided on 15.04.2015**

“28. The Parliament later vide Act 16 of 2003 inserted Section 5A w.e.f. 22.09.2003 authorizing the Central Government to constitute the National Board for Wild Life (in short 'NBWL'). By the same Amendment Act, Section 5C was also introduced eliciting functions of the National Board. Section 5B was also introduced by the aforesaid amendment authorizing the National Board to constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board. NBWL is, therefore, the top most scientific body established to frame policies and advise the Central and State Governments on the ways and means of promoting wild life conservation and to review the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto. The Central and the State Governments cannot brush aside its opinion without any cogent or acceptable reasons. Legislation in its wisdom has conferred a duty on NBWL to provide conservation and development of wild life and forests.”

I. Because the decision of the Chairman in the 14th meeting of the Karnataka-SBWL is in violation of the wildlife conservation spirit envisaged under the Wildlife (Protection) Act, 1972 and India's Wildlife Action Plan (2017-2031);

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- J. Because the Hon'ble Supreme Court in the case of **Sansar Chand v. State of Rajasthan (2010) 10 SCC 604** held that all efforts must be made to implement the spirit and provisions of the Wild Life (Protection) Act, 1972, the provisions of which are salutary and are necessary to be implemented to maintain ecological chain and balance. The Stockholm Declaration, the Declaration of United Nations, Conventions on Human Environment signed in the year 1972, to which India is the signatory, have laid down the foundation of sustainable development and urged the nations to work together for the protection of the environment. Conventions on Biological Diversity, signed in the year 1962 at Rio Summit, recognized for the first time in International Law that the conservation of biological diversity is "*a common concern of human kind*" and is an integral part of the development process.
- K. Because the HARP is proposed through the Kali Tiger Reserve and thus, amount to destruction of habitat within the meaning of Section 29, Section 35 (6) and Section 38 (o) (1) (g) of the Wildlife (Protection) Act, 1972;
- L. Because under Section 38 (O) (1) (g) of the Wildlife (Protection) Act, 1972, the National Tiger Conservation Authority (NTCA) has been granted such powers in the nature/ manner of exercising a veto in rejecting an ecologically unsustainable project in areas linking tiger reserves. In the present case the NTCA has caused site appraisal twice, once independently and once being part of the Site Inspection Committee of the NBWL;
- M. Because the Supreme Court's observation in **N.D Jayal and Anr. vs. Union of India (UOI) and Ors** (supra)

"108. The Government can utilize the natural resources for common good but cannot be allowed to exploit or virtually plunder it in a manner to deprive those presently sustaining their lives on those natural

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resources and deprive the coming generations who have also a right of living on those resources. On these fundamental issues, there is a cleavage between technological experts, environmentalists and human rights activists. The Court is faced with an issue not easy to decide as to which Section of experts and environmentalists is right in their approach.

109. Ours is a constitutional democracy and we are called a "welfare State", "Welfare" does not mean that we have only to strive for fulfilment of political theory "Greatest good of greatest number". Our motto from Vedic times has been *sarva Jan Hitay, sarva Jan sukhai* (benefit of all and happiness of all)."

N. Because the decision of the Chairman in the 14th meeting of Karnataka-SBWL is clearly flawed from wildlife and environment angle. It is also not tenable in the settled principles of Administrative law as elaborated down under:

The meaning of judicial review in administrative decision making is elegantly observed by Lord BRIGHTMAN in the case of, *Chief Constable of North Wales Police v. Evans (1982) 3 All ER 141* and it was held:

"Judicial review, as the words imply is not an appeal from a decision, but a review of the matter in which the decision was made."

Lord Diplock in *Council of Civil Service Unions v. Minister for the Civil Service 1984 (3) All.E.R.935*, (commonly known as CCSU Case) classified three ground under which administrative action is subject to control by judicial review. The first ground is 'illegality' the second 'irrationality', and the third 'procedural impropriety'.

Similarly, the Hon'ble Supreme Court of India in the case of **Commissioner of Income-tax v. Mahindra and Mahindra Ltd [AIR 1984 SC 1182]** held:

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"By now, the parameters of the Court's power of judicial review of administrative or executive action or decision and the grounds on which the Court can interfere with the same are well settled and it would be redundant to recapitulate the whole catena of decisions of this Court commencing from Barium Chemicals Ltd. v. Company Law Board case on the point. Indisputably, it is a settled position that if the action or decision is perverse or is such that no reasonable body of persons, properly informed, could come to or has been arrived at by the authority misdirecting itself by adopting a wrong approach or has been influenced by irrelevant or extraneous matters the Court would be justified in interfering with the same."

O. The Hon'ble Supreme Court in the case of **Smt. Shalini Soni etc. v. Union of India and Ors [1981 AIR 431]** has observed:

"It is an unwritten rule of the law, constitutional and administrative, that whenever a decision-making function is entrusted to the subjective satisfaction of a statutory functionary, there is an implicit obligation to apply his mind to pertinent and proximate matters only, eschewing the irrelevant and the remote."

P. Because the Hon'ble Supreme Court has also observed that administrative decision can be set aside if their arbitrariness in exercise of power in **State of U.P. and Ors vs. Renusagar Power Co. And Others [1988 AIR 1737]**

"The exercise of power whether legislative or administrative will be set aside if there is manifest error in the exercise of such power or the exercise of the power is manifestly arbitrary. Similarly, if the power has been exercised on a non-consideration or non-application of mind to relevant factors the exercise of power will be regarded as manifestly erroneous. If a power (whether legislative or administrative) is exercised

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on the basis of acts which do not exist and which are patently erroneous, such exercise of power will stand vitiated."

Q. Because Article 48A of the Indian Constitution entrusts the State with the responsibility of protecting and improving the environment and to safeguard the forests and wild life of the country.

H. Source of information

The information gathered by the Petitioner is based on the documents secured from the Website "PARIVESH" of MoEF & CC, from the website "AARNYA" of Karnataka Forest Department and the website of NTCA. The petitioner has gathered the minutes of the Karnataka-SBWL's meeting from Journalist and wildlife conservationist working on the issue as the same is not uploaded in the website of the Karnataka Forest Department.

I. Nature of The Injury Caused / Apprehended.

The Petitioner submit that the impugned decision of the 14th meeting held on 20th March, 2020 of the Chairman of the Karnataka-SBWL if not quashed will be forwarded as the 'final' decision/ recommendation of the Board to the Standing Committee of NBWL. The impugned proceeding and decision of the 14th meeting held on 20th March, 2020 of the Chairman of Karnataka-SBWL nullifies the unanimous decision of all the members of the Board taken in the 13th meeting held on 9th March, 2020 to reject recommendation to HARP.

There are a number of projects planned in the Western Ghats forests in the State of Karnataka, if such discretion of the Chairman is not quashed then the petitioner apprehends that it will set a wrong precedent and such misuse of discretion will be repeated in recommending other projects for wildlife clearance, ignoring sound scientific objections by the majority Board members.

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The HARP if implemented will have a catastrophic effect on the corridors of Schedule-I wildlife such as the Tiger and Asiatic Elephants amongst other species located in the ecologically sensitive region of the Western Ghats in Kali Tiger Reserve (Aanshi-Dandeli Tiger Reserve).

Therefore, this petition is filed to challenge the vires of the proceeding and decision of the 14th meeting held on 20th March, 2020 of the Karnataka-SBWL.

J. Any Representations etc. made: -

The Petitioner has sent 2 parts representation letters to the Chairman & Minister in Charge of Environment and Forest and members of the Standing Committee of National Board for Wildlife (MoEF) via post and email on 23rd May, 2020.

A copy of the representation letters sent via post and email to the members of the Standing Committee of NBWL and a screenshot of the delivery confirmation of such letters on 26th May, 2020 are herewith marked and annexed as Annexure- 19 (colly)

K. Delay, if any, in filing this Petition and explanation thereof: -

The Petitioner submit that there has been no delay in filing this Petition. The minutes of the 13th and 14th meeting of the Karnataka-SBWL was circulated to the members of the Karnataka-SBWL by the Member Secretary after obtaining signature of the Chairman on 14th May, 2020.

L. Documents relied upon: -

The Petitioner have relied upon the document at Exhibit 1 to Exhibit 19 herein abovementioned.

1. The Petitioner crave leave to add, amend and alter grounds to the present application.

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2. The Karnataka State Board for Wildlife is located in Bengaluru. Therefore, the cause of action has arisen within the jurisdiction of this Hon'ble Court, which therefore has jurisdiction to entertain and try this Petition.
3. The Petitioner rely on documents, a list whereof is annexed to this Petition.
4. The Petitioner have not filed any other petition either in this Hon'ble Court or in the Hon'ble Supreme Court.
5. The Petitioner do not have any other adequate or equally efficacious alternate remedy for challenging the inaction of the Respondents.
6. That Petitioner are based in Bengaluru and the Respondents also have their offices in Bengaluru and the proposed project is located within the State of Karnataka. Therefore, the cause of action has arisen within the jurisdiction of this Hon'ble Court, to try this Petition.
7. There is no delay or laches in filing this Petition.
8. The Petitioner have paid the required court fee to this Petition

N. Reliefs Prayed for:

In light of the facts and circumstances mentioned above, it is most humbly prayed:

1. That this Hon'ble court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction in the nature of mandamus quashing the proceeding and the decision of the 14th meeting held on 20th March of the Karnataka State Board for Wildlife, where the Chairman of the Karnataka-SBWL

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Thichanth

recommended Wildlife Clearance to HARP ignoring the majority opinion of the Board members;

2. That this Hon'ble court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction in the nature of mandamus upholding the proceeding and decision of the 13th meeting held on 9th March, 2020 of the Karnataka State Board for Wildlife as final decision taken by the Board;

N. Interim Prayers

That pending hearing and final disposal of this Petition, this Hon'ble Court may please to direct Respondent No.4 (Standing Committee of NBWL) not to consider the decision of the 14th meeting held on 20th March, 2020 as the final recommendation of the Karnataka-SBWL in their subsequent next meetings.

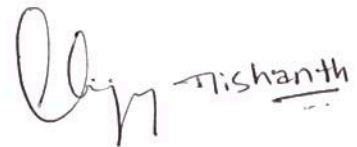
O. CAVEAT:

No notice of caveat has been received by the Petitioner till the filing of this PIL Writ Petition.

I say that if the ad-interim relief are not granted loss, harm injury and prejudice will be caused to the Petitioner and if granted, no grave loss, harm, injury, or prejudice will be caused to the Respondent

Bengaluru, Karnataka

June, 2020

 Vishanth

Petitioner

Adv.
Sujal -

(58)

Vijay Nishant

(Vijay Nishant)

President, Project Vruksha Foundation

Adv.
Sujal -

Vijay Nishant

VERIFICATION

I, Vijay Nishant on behalf of Project Vruksha Foundation, the Petitioner, age 37 years, r/o House No. 40/A, 37th Cross Road, 26th Main Road, 9th Block, Jayanagar, Bangalore- 5600069 do hereby state and solemnly declare that what is stated in Paras 1 to 61 is true to my own knowledge and what is stated in the remaining Paras No's A to O is stated on information and belief and I believe the same to be true.

Solemnly declared at Bengaluru

On the 1st day of June, 2020

Petitioner

Vijay Nishant
PROJECT VRUKSHA FOUNDATION
26/B, (2646), 36th 'A' Cross Road,
Jayanagar 9th Block,
BANGALORE - 560 069.

President, Project Vruksha Foundation

Adv. Suresh

Vijay Nishant

IN THE HIGH COURT OF JUDICATURE AT KARNATAKA AT
BENGALURU

ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION WRIT PETITION

NO. OF 2020

Project Vruksha FoundationPetitioner

Versus

State Board for Wildlife, Karnataka & Ors Respondents

AFFIDAVIT IN SUPPORT

I, Vijay Nishant on behalf of Project Vruksha Foundation, the Petitioner, aged 37 years, r/o House No. 40/A, 37th Cross Road, 26th Main Road, 9th Block, Jayanagar, Bangalore- 5600069 do hereby state on solemn Affirmation as under:

1. That the Members of the Petitioner society are all Indian Citizens.
2. The Petitioner and /or its members have no personal interest in the subject matter of the petition and the same is not motivated by any private interests.
3. That the entire litigation costs, including the advocate's fee and other charges are being borne by the Petitioner.
4. That a thorough research has been conducted in the matter based on which the grounds are raised in the Petition.
5. That to the best of the Knowledge of the Petitioner and research done by them the issue raised in the petition were not dealt with or decided in any other petition and that a similar or identical petition was not filed earlier by them.
6. The Petitioner undertakes to disclose before the Court the source of its information relating to this petition as and when called upon to do so by this Hon'ble Court.

Adv. Sujal -

Vijay Nishant

7. That the Petitioner has understood that in the course of hearing of this petition the court may require any security to be furnished towards cost or any other charges and the petitioner shall comply with such requirement and shall pay all costs as may be ordered.

8. That the Petition has been filed for the relief more specifically set out in the Petition. I repeat, reiterate and adopt each and every statement in the Petition as if the same were set out herein and form a part of this affidavit. I carve to rely and refer upon the Petition.

9. I say that If the ad-interim relief are not granted grave loss, harm injury and prejudice will be caused to the Petitioner and if granted no grave loss, harm, injury, or prejudice will be caused to the Respondents.

10. I hereby state that the Petitioner has already disclosed the source of information and gave further undertaking that I would disclose necessary information if called upon by the Hon'ble Court to do.

11. I state that the annexures attached to this petition are True copies of the Original Documents.

12. I therefore pray that the Petition be made absolute with costs and ad -interim relief may be granted.

Solemnly affirmed at Bengaluru

Date: 1st June, 2020

Petitioner
Vijay Nishant
PROJECT VRUKSHA FOUNDATION
26/B, (26th A Cross Road,
Jayanagar 9th Block,
BANGALORE - 560 069.

President, Project Vruksha Foundation

Adv. Srijis

KARNATAKA

Sowmya Reddy resigns from wildlife board

SPECIAL CORRESPONDENT

MYSURU, MARCH 21, 2020 21:49 IST

UPDATED: MARCH 21, 2020 21:49 IST

Sowmya Reddy, Jayanagar MLA, has resigned from the Karnataka State Wildlife Board in protest against its decision to accord clearance to the Hubballi-Ankola railway line. Tendering her resignation, she said the project will lead to wanton felling of trees and forests, and the State government will be liable for the environmental fallout because of the project.

Ms. Reddy alleged that Chief Minister B.S. Yediyurappa has succumbed to pressure from various lobbies and though the project was discussed and dropped at a meeting on March 9, he was forced to convene a second meeting of the wildlife board on Friday and accord clearance to it. "The wildlife board, though in existence, is redundant," she said.

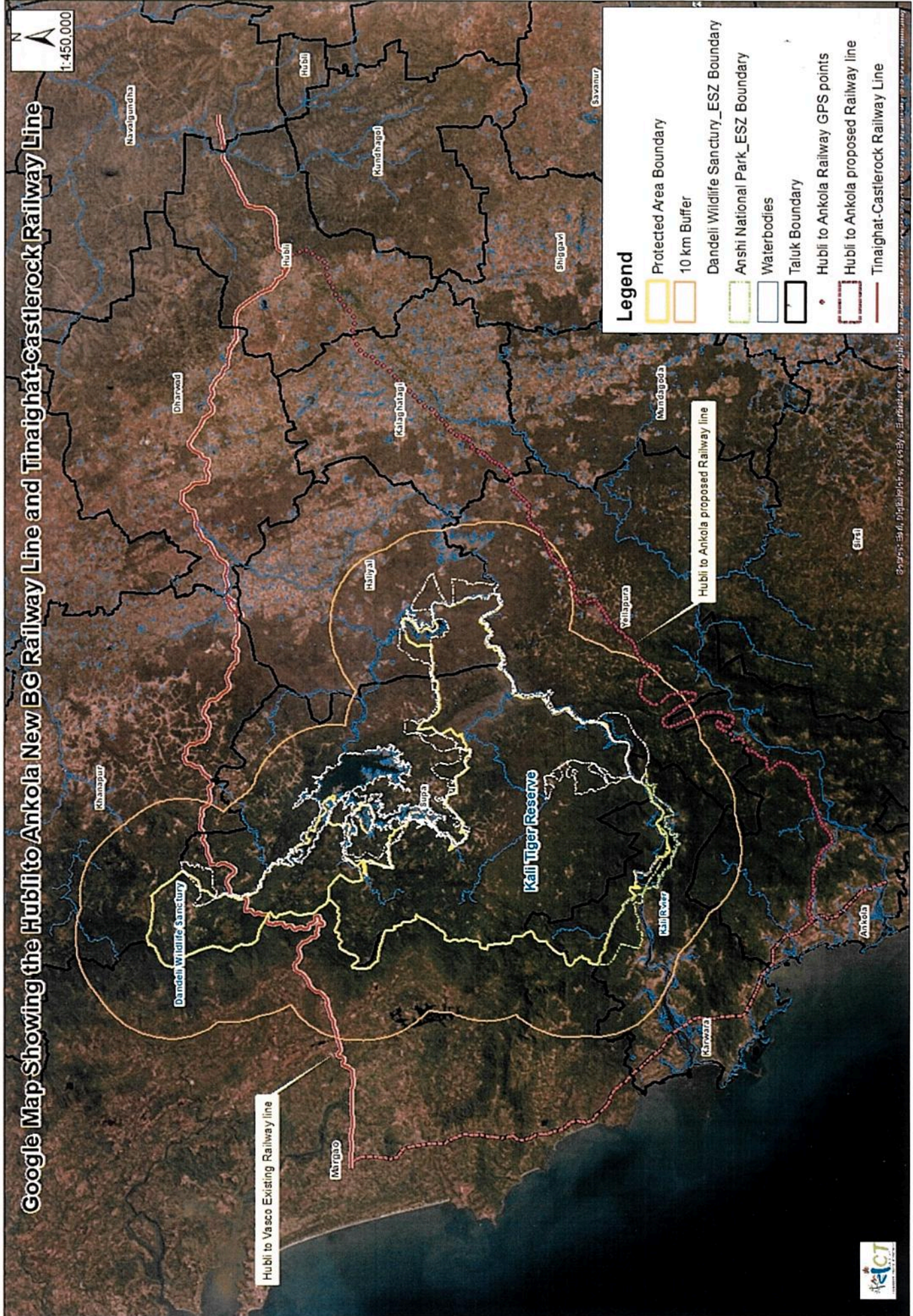
A letter from the Editor

Dear reader,

We have been keeping you up-to-date with information on the developments in India and the world that have a bearing on our health and wellbeing, our lives and livelihoods, during these difficult times. To enable wide dissemination of news that is in public interest, we have increased the number of articles that can be read free, and extended free trial periods. However, we have a request for those who can afford to subscribe: please do. As we fight disinformation and misinformation, and keep apace with the happenings, we need to commit greater resources to news gathering operations. We promise to deliver quality journalism that stays away from vested interest and political propaganda.

SUPPORT QUALITY JOURNALISM

[ANNEXURE 1-8]



63

[ANNEXURE-13]

BK 952
2015-16

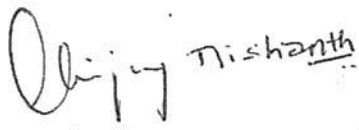
BNG(U)JNK. 952 /2015-2016/BK 95 Page) - (02

TRUST DEED

THIS DEED OF DECLARATION OF TRUST AND SETTLEMENT MADE AND EXECUTED ON THIS THE 16th DAY OF DECEMBER 2015 AT BANGALORE BY AND AMONG:

1. Mr. Vijay Nishanth, Son of Selvan about 33 Years, residing at No.40/A, 37th Cross Road, 26th Main Road, 9th Block Jayanagar, Bangalore-560069. herein after called the AUTHOR OF THE TRUST (which expression shall unless excluded by or repugnant to the subject or context mean and include his heirs, successors, executors and legal representatives) of the one part; and
2. Mr. Shariff S, Son of Babu Sathyala about 30 Years, residing at No.1751-A, 18th Main Road, 4th T Block, Jayanagar, Bangalore-560041. On the second part (party of the Second Part is called as Trustees or Board of Trustees. The term Trustees shall mean and include not only the respective person of the second part but also such other person as may be appointed as trustees in accordance with these present and the terms Board or Board of Trustees shall mean the Board of Trustees for the time being constituted in accordance with these presents)
3. Mr. Chaveen T V, Son of Venkataraju aged about 31 years, residing at Site No.20, #32-45, 19th D Cross, 11th Main Road, N.S.Palya, BTM 2nd Stage Bangalore-560076; On the third part (party of the Third Part is called as Trustees or Board of Trustees. The term Trustees shall mean and include not only the respective person of the third part but also such other person as may be appointed as trustees in accordance with these present and the terms Board or Board of Trustees shall mean the Board of Trustees for the time being constituted in accordance with these presents) witnessed as follows:

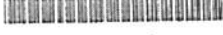
WHEREAS the Author of the Trust is desirous of establishing a charitable trust to carry on the activities mentioned in Para 2 of this trust deed.


Vijay Nishanth


Shariff S


T.V

BNG(U)JNH. 992/2015-2016/BK Page 2-10
A



ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ನೋಂದಣಿ ಹಾಗೂ ಮುದ್ರಾಂಕ ಇಲಾಖೆ
Department of Stamps and Registration

ಪ್ರಮಾಣ ಪತ್ರ

1957 ರ ಕರ್ನಾಟಕ ಮುದ್ರಾಂಕ ಕಾಯ್ದೆಯ ಕಲಂ 10 ಎ ಅಡಿಯಲ್ಲಿಯ ಪ್ರಮಾಣ ಪತ್ರ

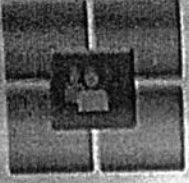
ಶ್ರೀ Vijay Nishanth , ಇವರು 1000.00 ರೂಪಾಯಿಗಳನ್ನು ನಿಗದಿತ ಮುದ್ರಾಂಕ ಶುಲ್ಕವಾಗಿ ಪಾವತಿಸಿರುವುದನ್ನು ದೃಢೀಕರಿಸಲಾಗಿದೆ

ಪ್ರಕಾರ	ಮೊತ್ತ (ರೂ.)	ಹಣದ ಪಾವತಿಯ ವಿವರ
ನಗದು ರೂಪ	1000.00	Paid in Cash
ಒಟ್ಟು :	1000.00	

ಸ್ಥಳ : ಜಯನಗರ

ದಿನಾಂಕ : 16/12/2015

Senior Sub-Registrar
Jayanagar, Bangalore City
(ಜಯನಗರ)



Project Vruksha Foundation (Reg)

No.26/B (2646), 36th 'A' Cross Road,
Jayanagar 9th Block, Bengaluru -560069

Tel : +91-9972487991, Email Id : vjlay@vruksha.com

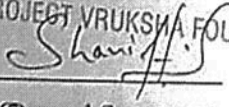
This is to certify that Project vruksha foundation has adopted the following resolution during the Managing Committee Meeting held on 28th May, 2020 via video conferencing amongst the members.

Resolution No.1: "It is unanimously resolved by the Managing Committee of Project vruksha foundation to petition the Hon'ble High Court of Bengaluru at karnataka on an urgent basis challenging the vires of the 14th meeting of Karnataka-SBWL held on 20th March, 2020 with regard to Hubli-Ankola railway line Project (HARP).

Resolution No.2: "It is unanimously resolved by the Managing Committee of Project vruksha foundation to appoint Advocate Sreeja Chakraborty and Advocate Prerna Venkatesh and their associates as the legal representative for the petition.

It is hereby certified that the above is a true copy of the ResoltuionNo.1 & 2 adopted during the Managing Committee meeting held via video conferencing on 28th May, 2020.

Shariff S

For PROJECT VRUKSHA FOUNDATION

(General Secretary)

COST OF THE PROJECT

Civil Engineering	3634.956 Crores
Signal & Telecommunication	59.790 Crores
Electrical	54.857 Crores
Total	3749.603 Crores
Cost of Rolling Stock	235.034 Crores
Total	3984.637 Crores

Residual value (Assuming the life of Asset of 100 years)

Sl. No.	Description	Cost	Residual Factor	Value
1	Land	340.819	100%	340.819
2	Formation	1744.069	100%	1744.069
3	Bridges	809.637	70%	566.746
4	P.Way	412.664	35%	144.432
5	Station Buildings	20.287	70%	14.201
6	Plant & Equipment	1.236	100%	1.236
7	Rolling Stock	235.034	35%	82.262
	Total	3563.746		2893.765

COST BENEFIT ANALYSIS

a)	Total cost of the project	3984.637	Crores
b)	Deduct Residual Value	2893.765	Crores
	Net	1090.872	Crores
	Add maintenance charges of track 3%	32.726	Crores
	Net	1123.598	Crores

I. Loss of timber

a)	DFO/Dharwad	1.41	Crores	As given by DFO/Dharwad	
b)	DFO/Yellapur	7.31	Crores	As given by DFO/Yellapur	
c)	DFO/Karwar	12.88	Crores	As given by DFO/Karwar	
	TOTAL	21.60	Crores		

II . Loss of Environment

a)	DFO/Dharwad	$1.2674 * 43.38 * 0.60$		31.938	Crores	Calculated as per norms prescribed in the annexure VI.b of FC act 1980
b)	DFO/Yellapur	$1.2674 * 297.07 * 0.80$		278.463	Crores	
c)	DFO/Karwar	$1.2674 * 326.55 * 0.80$		282.794	Crores	
	TOTAL			593.196	Crores	

69

Cost of the project	1123.598	Crores
Add value of loss of timer	21.600	Crores
Add value of loss of Environment	593.196	Crores
TOTAL	1738.394	Crores

BC Ratio = Net Earnings / Cost of Project

12.14

70

HUBLI-ANKOLA NEW BROAD GAUGE RAILWAY LINE

COST BENEFIT ANALYSIS

Taluk:Hubli,Kalghatagi,Yellapur,Ankola. Dist:Dharwad and Uttar Kannada Length:164,439Km

A. Gross Receipts for 30 years

1.Through Goods	17754.4	Crores
2.Through Passengers	690.21	Crores
Total	18444.6	Crores

B. Expenditure for 30 years

1.Through Goods	5207.38	Crores
2. Through Passengers	810.76	Crores
Total	6018.14	Crores

C. Net Receipts for 30 years

1.Through Goods	12547	Crores
2. Through Passengers	-120.55	Crores
Total	12426.5	Crores

(14)

Proportionate earning : $12426.45 \times 50 / 30 = 20710.75$ Crores For 50 Years

Add for beneficial consequences like

- a) Trade and transport infrastructure
- b) Development of Region
- c) Employment opportunities

400.00 Crores



*Tentative, actual benefits are likely to be much higher.

21110.75 Crores

CENTRAL EMPOWERED COMMITTEE

REPORT OF THE CEC IN APPLICATION NO. 952 OF 2006 FILED BEFORE IT BY PARISARA SAMRAKSHANA KENDRA AND WILDERNESS CLUB AGAINST THE DIVERSION OF FOREST LANDS FALLING IN THE ECOLOGICALLY SENSITIVE WESTERN GHATS IN THE STATE OF KARNATAKA FOR LAYING OF THE NEW 168.289 KM HUBLI – ANKOLA BROAD GAUGE RAILWAY LINE.

The Application No. 952 of 2006 has been filed before the CEC by Parisara Samrakshana Kendra and Wilderness Club against the diversion of forest land falling in the ecologically sensitive Western Ghats in the State of Karnataka for laying the new 168.289kms. broad gauge railway line from Hubli to Ankola. This Report is being filed by the CEC after examining the matter during the hearings / meetings held on 13.9.2006, 17.10.2006, 7.11.2006, 3.11.2008, 23.2.2010 and 25.10.2013, the discussions held on 17.12.2013 at Bengaluru with the Chief Secretary and other concerned senior officials of the Government of Karnataka and the site visit undertaken by Mr. P.V. Jayakrishnan, Chairman, CEC, Mr. M.K. Jiwrajka, Member Secretary, CEC, Mr. Mahendra Vyas, Member, CEC and Mr. M.K. Muthoo, Member, CEC on 18th and 19th December, 2013.

BACKGROUND

2. The Ministry of Railways in the year 1997-1998 sanctioned the construction of the new broad gauge railway line from Hubli (Dharwad

District) to Ankola (Uttara Kannada District) in the State of Karnataka. The total length of the railway line from Hubli junction to the Y-junction arrangement near Ankola connecting the existing Konkan Railway line is 168.289 KM and it provides a direct rail link to the West Coast. The line ends at Y- junction at 164.931 KM and two lines in the Y- junction arrangement connect Konkan Railway line (Manglore to Goa) towards Karwar and Ankola ends with a length of 1.722 KM and 1.636 KM respectively. The Ministry of Railways in the year 1999 sanctioned the estimates for initial work for a stretch of about 50 kms. from Hubli end and action was initiated to acquire revenue land and work partly started. The foundation stone for the project was laid in May, 2000 by the then Prime Minister. A Memorandum of Understanding has been entered into in September, 2000 between the Ministry of Railways and Karnataka Rail Infrastructure Development Enterprise, a Government of Karnataka agency for sharing of the cost of the project on 50 : 50 basis.

3. The total land required for the project is 1384.40 ha. out of which 965 ha.(since revised to 720 ha. and then to 667 ha.)is reserve forest land falling in District Dharwad (Dharwad Forest Division) and Uttar Kannada District (Yellapur and Karwar Forest Divisions) in the State of Karnataka, 173 ha. is wetland, 221 ha. is dry land and the remaining 25.40 ha. is miscellaneous land. The estimated cost of the project which then was Rs. 1153.08 crores has been revised to Rs. 2315.384 crores. Out of 168.3 KM of the railway track 105.179 KM is in the plain section while the balance 63.110 KM between Yellapur to

Sunksal is in the Ghat section. The total length of the alignment in embankment is 79 KM, in cutting is 68.73 KM and in tunnels is 21.88 KM. The project involves construction of 329 bridges (50 major and 279 minor) and 29 (since revised to 25) tunnels. The length of the longest tunnel is 3.53 KM. A total of 12 railway stations have been proposed along the alignment. It is also planned to construct a total of 565 staff quarters at the proposed railway stations. The railway line is falling from a level of 637 meter above MSL (at Hubli) to 18.7 meter above MSL (at Ankola). A map showing the alignment of the proposed railway line is enclosed at ANNEXURE-R-1 to this Report.

4. This railway line was planned to serve mainly freight traffic. The main premise for having this new railway line was that, in future, the potential for transportation of iron ore for export from the Bellary-Hospet sector to the proposed new ports at Tadri (near Ankola) on the West Coast of Karnataka and to the existing port of Vasco and Madgaon in Goa will be to the tune of about 16 million tonnes per annum as against the present established capacity of 6 million tonnes per annum and that at present only three million tonnes of iron ore is being transported through existing broad gauge railway track. The existing broad gauge railway line via Castle-rock and Qulem to Vasco has steep gradients and sharp curves thereby limiting the speed and haulage capacity of trains.

5. The Ministry of Railways in September, 1998 applied to the Karnataka Forest Department for diversion of forest land for the

construction of the Hubli-Ankola railway line. The Principal Chief Conservator of Forests (PCCF), Karnataka vide his letter dated 20.11.2002 addressed to the Principal Secretary (Forest), Government of Karnataka stated that there appears to be no case or national interest served by constructing Hubli-Ankola rail line inter alia observing that

- (i) Uttara Kannada is predominantly a forest district with diversified forest wealth and containing more than 3000 plant species and wildlife including tigers, elephants and bears. The railway line will not only disrupt movement of animals but it will also end up in animals getting killed from train hits. It will also bisect the district into two.
- (ii) On the other hand the Hospet-Bellary iron ore belt has several rail options such as Hubli-Vasco, Hospet-Chennai and Hospet-Kakinada / Vizag. The railway line which passes through Guntakal, Dronachallam and Guntur has been converted into broad gauge recently and has to find new traffic. The Hubli-Ankola line will cause loss of traffic to the above lines. Thus when the existing potential itself has not been tapped there appears no justification for the new line.
- (iii) The volume of iron ore traffic carried through Castle-rock-Quelem-Vasco broad gauge line is much below its capacity of 6 million per annum. The rail distance between

Hubli-Vasco is 230 kms. and that between Hubli-Ankola-Karwar is 212 kms. - almost the same.

- (iv) The Hubli-Ankola road, constructed at huge cost with aid from Asian Development Bank (ADB), is specially meant for carrying iron ore from Bellary-Hospet region to Karwar.
- (v) The requirement of iron ore for the local steel plants at Bellary will grow and which will be a value adding activity. The existing iron ore deposit of Bellary-Hospet region will suffice for about 20 years after which mining will become economically unviable.
- (vi) The Hubli-Ankola stretch of the railway line is sparsely populated and there will not be much revenue generation through passenger traffic.

A copy of the above said letter dated 25.11.2002 of the PCCF, Karnataka is enclosed at ANNEXURE-R-2 to this Report.

6. The Government of Karnataka, notwithstanding the objections of the PCCF, Karnataka to the said railway project, in March, 2003 asked the PCCF to submit the proposal for diversion of forest land for the construction of the said railway line. Meantime the Railways started the project works on non-forest land. The PCCF, Karnataka vide his letter dated 27.9.2003 addressed to the Chief Engineer, South Western Railway requested the Railways to stop forthwith the work on the non-forest land stating that the work on the non-forest land has been started in violation of the FC Act guidelines and that,

since the project involves diversion of more than 900 ha. of forest land in the Western Ghats, the approval of Government of India for the diversion of the forest land cannot be taken for granted.

A copy of the above said letter dated 27.9.2003 of the PCCF, Karnataka is enclosed at ANNEXURE-R-3 to this Report.

7. The PCCF, Karnataka, after carrying out site inspection, vide his letter dated 20.10.2003 submitted along with relevant details to the State Government the formal proposal seeking approval under the Forest (Conservation) Act, 1980 for the diversion of 965 ha. of forest land (55.62 ha. in Dharwad Forest Division, 528.31 ha. in Yellapur Forest Division and balance 381.03 ha. in Karwar Forest Division) and felling of 2,47,554 trees (30,400 trees in Dharwad Forest Division, 19019 trees in Yellapur Forest Division and balance 1,98,135 trees in Karwar Forest Division) for the construction of the Hubli-Ankola railway line. The PCCF, Karnataka recommended the proposal subject to standard conditions and stating that

"the proposed alignment has been inspected by me on 25.9.2003 and found that the forest and terrain really do not permit a railway line. However the fact that there are already more than one commitment by the State Government, Government of India, Ministry of Railways, the present proposal has to be considered in that light. Hon'ble Prime Minister has also formally inaugurated the line. In view of all this, I recommend this proposal for diversion of forest land for

construction of Hubli-Ankola Railway line and request to move the same with the Government of India under Forest (Conservation) Act, 1980 in favour of the Chief Engineer (Central) Construction, S.W. Railway, Bangalore Cantonment as per the conditions stipulated in Annexure 'A'".

A copy of the above said letter dated 20.10.2003 of the PCCF, Karnataka is enclosed at ANNEXURE-R-4 to this Report.

8. Earlier the project area was inspected by the Conservator of Forests, Canara Circle on 27.5.2003 and who opined that the proposal is not feasible from forestry point of view.

9. The Government of Karnataka vide letter dated 29.11.2003 forwarded the above said proposal to the Ministry of Environment and Forest (MoEF) with the observation that

"This new railway line will further fragment the forests and expose fresh areas to anthropogenic pressures. However these appear inevitable given the importance of the line for the State".

A copy of the letter dated 29.11.2003 of the Government of Karnataka addressed to the Government of India, Ministry of Environment and Forests is enclosed at ANNEXURE-R-5 to this Report.

10. The Forest (Conservation) Act, 1980 guidelines, at the relevant time, prescribed that in respect of the proposals involving diversion of

more than 40 ha. of forest land site inspection shall be done by the officer(s) of the concerned Regional Office of the MoEF and that the Forest Advisory Committee (FAC) shall examine such proposals along with the Site Inspection Reports of the Regional Office. Accordingly the Deputy Conservator of Forests (Central), Regional Office, MoEF, Bengaluru carried out a site inspection of the forest land proposed for diversion for the present project and thereafter the CCF (Central), Regional Office, MoEF, Bengaluru vide his letter dated 15.4.2004 submitted a detailed Report to the MoEF.

11. In the Report of the CCF (Central) / Site Inspection Report inter alia it has been observed that

- (i) out of the proposed 168 kms. of track-issue approximately 120 kms. would pass through reserved forest. 63 kms. of the stretch would be almost in forest and having moist deciduous prime forest of Sahyadri hills of Western Ghats in Karnataka. About 2,65,834 trees are estimated to be felled. The proposed track would badly fragment habitat and essential corridor of elephants in Western Ghats. The area is habitat of rare and endangendered endemic flora and fauna. The forest area proposed to be diverted for the project forms the catchment area of the major river system of Uttara Kannada District and the project would be detrimental to the hydrological system of the area;

- (ii) though all the concerned officers of the State Government have recommended the proposal but all have unanimously expressed same views that for the prime forests of Western Ghats this project would play a havoc;
- (iii) ecological cost of the project would be very huge as compared to tangible benefits of the project;
- (iv) the proposed new track would help only iron and manganese mines of Bellary-Hospet area for transportation of their ore to Goa, Tadri and Dharwad Ports; and
- (v) Ankola and Hubli are already connected with excellent road and which is grossly underutilised.

12. The CCF (Central) recommended for rejection of the proposal stating that

"Considering all the above facts, the comments of the officers of State Forest Department and the facts found in site inspections, I am of the opinion that construction of the proposed new railway track from Hubli to Ankola for transporting mainly iron ore from Bellary area of Karnataka to the new upcoming ports of Tadri and Karwar has no much justification. On the other hand, this will simply be a tragedy on the prime forest of Western ghats and of the much talked about biological hot-spot of the country. Vast stretch of prime forest shall be subject of serious soil loss, bio-diversity degradation, adverse

impact on hydrological system of major rivers and irreversible effect of fragile ecological system of Western ghats. There are instances that many countries in the world are taking a special care for preserving their iron ore and other minerals for their future use and meeting their present requirements by purchasing the same. It is not advisable to take decision to export (exhaust) our natural resource (iron ore) so fast and also to sacrifice more than 2.5 lakhs trees in a bio-diversity rich fragile eco-system. No amount of mitigation shall compensate the huge cost of ecological damage which this project of rail track shall bring to the Western ghats. Under such situation, I shall only recommend rejection of this project by the Government of India".

A copy of the above said letter dated 15.4.2004 of the CCF (Central), Regional Office, MoEF, Southern Zone, Bengaluru is enclosed at ANNEXURE-R-6 to this Report.

13. The Forest Advisory Committee (FAC), constituted by the Central Government under Section 3 of the Forest (Conservation) Act, 1980, at its meeting on 27.5.2004 considered the said proposal along with the above said Report of the CCF (Central) when the Committee observed that

"The construction of the proposed new railway track from Hubli to Ankola for transporting mainly iron ore has no much justification. On the other hand, this will simply be a tragedy on the prime forests of Western Ghats and of the biological hot spot of the country. Vast

stretch of prime forests shall be subject to serious soil loss, biodiversity degradation, adverse impact on hydrological system of major rivers and irreversible effect on fragile ecosystem of Western Ghats".

"The rail distance between existing Hubli-Vasco railway line is 230 kms., whereas the distance between proposed Hubli-Ankola-Karwar is 212 kms. There is a marginal difference of 18 kms. in the distance between the existing and the proposed railway track for which such a large area of beautiful forests and biological hot-spot eco-fragile Western Ghats should not be sacrificed and it will also not help to local people as no passenger traffic is envisaged. It is proposed mainly for transportation of iron and manganese ores from Bellary-Hospet region".

"The mines are continuously depleting resources and hence the utility of the proposed railway line may not exist in long run".

The Ministry of Environment and Forests, keeping in view the above observations made by the Forest Advisory Committee, vide letter dated 10/11.6.2004 rejected the proposal on merit.

A copy of the above said letter dated 10.6.2004 of the MoEF addressed to the Government of Karnataka is enclosed at ANNEXURE-R-7 to this Report.

14. The Member (Engineering), Railway Board, following the above rejection of the proposal by the MoEF, wrote to the MoEF on 16.7.2004 about the benefits of the Hubli-Ankola railway line

particularly that with increase in demand globally for iron ore the speedy construction of the said line has become even more essential and requested the MoEF for reconsideration of the proposal. On 29.10.2004 a letter on the above lines was also written by Minister of Railways to the Minister of Environment and Forests, Government of India.

A copy each of the above said letters of the Member (Engineering), Railway Board and the Minister of Railway dated 16.7.2004 and 29.10.2004 respectively are enclosed at ANNEXURE-R-8 (COLLY) to this Report.

15. Thereafter the FAC, in its meeting held on 20.9.2004, re-examined the proposal when it observed that

"about 900 ha. falls in very good forest and the proposal will involve large scale felling that will be detrimental to the ecology of the Western Ghats, a biodiversity hot spot. Moreover the existing railway lines and the National Highways are under utilized and alternatives have not been explored by the user agency".

The FAC asked the user agency to critically revise the proposal in consultation with the Regional Chief Conservator of Forests, Bengaluru and try to reduce the requirement of the area including the width of the strip of the land for the proposed railway line and submit a revised proposal for the construction of the railway line from Hubli to Kalaghatgi along with details of other alternatives explored.

In this regard a copy of the letter dated 4.11.2004 of the MoEF addressed to the Government of Karnataka is enclosed at ANNEXUR- R-9 to this Report.

16. The Ministry of Railways, vide letter dated 23.6.2005, submitted a proposal to the Principal Chief Conservator of Forests, Government of Karnataka and wherein the requirement of forest land was reviewed and reduced to 720 ha. A copy of the above letter dated 23.6.2005 of the Ministry of Railways addressed to the PCCF, Karnataka is enclosed at ANNEXURE-R-10 to this Report.

17. While the above matters were under process the present Application No. 952 was filed before the CEC. The matter was heard by CEC on 13.09.2006 when it was observed that though the project has been rejected by the MoEF under the Forest (Conservation) Act, 1980 yet work on the 40 kms. stretch of non-forest land is in progress. The Railways informed the CEC that the work is being taken as part of contingency plan and the expenditure incurred thereon will not become infructuous even if the approval under the FC Act is not accorded. The CEC, during the hearing, considering that (a) the proposal for use of forest land has already been rejected on merit by the MoEF; (b) the said stretch of 40 kms. also includes 1.1 kms. of forest land and (c) the work is being undertaken in violation of the guidelines issued by the MoEF for implementation of the Forest (Conservation) Act, 1980 advised the Ministry of Railways to stop the work being done in the non-forest area. The CEC further advised

the MoEF not to issue any permission in the present case till the matter is examined in its totality and a Report is filed by the CEC before the Hon'ble Supreme Court. A copy of the letter dated 15.9.2006 of the CEC addressed to the Ministry of Railways, the Ministry of Environment and Forests (MoEF) and the Government of Karnataka is enclosed at ANNEXURE-R-11 to this Report.

18. The Ministry of Railways, as advised by the CEC during the hearing on 13.9.2006, stopped the work in the non-forest area. The details of physical progress of work in Hubli-Ankola project, prior to advise of CEC on 13.9.2006 to stop the work being done on the non-forest land, between Hubli and Kiravatti station (47.75 km.), is as below:

Item	Scope of work	Progress
Land Acquisition (Hect)	315	258
Earthwork (Lac. Cum)	82	66
Major Bridges (Nos.)	7	5
Minor Bridges (Nos.)	55	39
ROBs (Nos.)	11	0
RUBs (Nos.)	5	0
Track Linking (Kms.)	48	0
Power Line Crossing (Nos.)	78	54

80% of earth and bridge works up to 47.75 kms. (from Hubli end to Kiravatti) has been completed. In this regard a copy of the

letter dated 8.6.2015 from South Western Railway is enclosed at ANNEXURE-R-12 to this Report.

19. Thereafter a detailed affidavit dated 17.10.2006 was filed before the CEC on behalf of Ministry of Railways inter alia stating that -

- (i) The Hubli-Ankola Railway Line has tremendous potential for transportation of iron ore for export. In addition, this line would cater to the bulk transport needs of other commodities like coal, fertilizers, foodgrains, fuel products etc. This line would result in less consumption of fuel and lesser pollution and better protection of the environment. The traffic on the existing roads will reduce greatly and lead to better environment protection as far lesser number of trucks would be required for carrying the iron ore.
- (ii) This line would serve mainly freight traffic. It would also serve the needs of the people of the area via passenger trains. This line would serve as a vital link for passenger train services connecting vast hinterland of Karnataka to the West Coast thereby helping in overall economic development of the region.
- (iii) The Railways have developed a Contingency Plan as per which the project will be taken up in Phases. At each Phase an iron ore unloading dump (within revenue land) is planned and further movement of the material from the dumps will be done by road as these dumps will be

adjacent to the existing National Highway 63. The project is viable even by commissioning in stages.

- (iv) In the first Phase it is proposed to commission the line for a distance of 35 kms. Upto Kalghatgi (the FAC while reconsidering the proposal for construction of railway line from Hubli to Ankola had in November, 2004 asked the Railways to submit a revised proposal from Hubli to Kalghatgi along with details of other alternatives explored). This stretch of 35 kms. railway line from Hubli to Kalghatgi passes through 1.15 kms. length of forest land and would require diversion of 5.5 ha. of forest land. In the second Phase the railway line upto Devikoppa (km. 41) will be constructed and which will pass through 400 metre length of forest land and would involve diversion of 1.0 ha. of forest land. Thus in the first two Phases a total of 1.55 kms. (1.15 kms. + 400 m.) of the track will be passing through forest land and requiring diversion of 6.5 ha. (5.5 + 1.0 ha.) of forest land. The stretch of 1.15 kms. length of forest land involved in Phase I of the project is on the fringe of forest land and mainly consists of bushes and shrubs. The Railways vide letter dated 13.4.2006 have already submitted a separate proposal to the DCF, Dharwad for diversion of 5.5 ha. of forest land required for Phase I. A similar proposal for diversion of 1.0 ha. of forest land

required for Phase II will also be submitted in due course and after clearance for Phase I is received.

- (v) The Government of Karnataka may be asked to take action for clearing the proposal for diversion of 727 ha. of forest land for the broad gauge railway project from Hubli to Ankola. Pending the above, the proposal for diversion of 5.5 ha. of forest land for Phase I of the project may be cleared.

A copy of the above said Affidavit dated 17.10.2006 filed before the CEC by the Ministry of Railways is enclosed at ANNEXURE-R-13 to this Report.

20. The Government of Karnataka vide letter dated 9.6.2008 informed the CCF (Central), MoEF, Bengaluru that as per the comprehensive report received from the PCCF, Karnataka the total area of forest land required for the Hubli-Ankola railway line project is 683.63 ha. only as against the original proposed requirement of 965 ha. (revised 720 ha.). A copy of the above said letter dated 9.6.2008 of the Government of Karnataka addressed to the Chief Conservator of Forests (Central), Regional Office, MoEF, Southern Zone, Bengaluru is enclosed at ANNEXURE-R-14 to this Report.

21. Subsequently the CCF (Central), Regional Office, MoEF, Bengaluru vide letter dated 7th October, 2008 informed the MoEF that the Government of Karnataka has vide letters dated 28.01.2008 and 9.6.2008 respectively forwarded the following two proposals:

- i) Diversion of 5.015 ha. of forest land for laying of new broad-gauge railway track between Hubli-Kalaghatagi in Dharward Forest Division, Karnataka (Dharward Circle).
- ii) Diversion of 683.62 ha. of forest land for laying broad-gauge railway line from Hubli to Ankola in District North Canara (Canara Circle).

22. The CCF (Central) in the above letter dated 7th October, 2008 while giving the background of the proposed Hubli-Ankola railway line also referred to the earlier Site Inspection Report of the Regional Office as well as the earlier decision of the MoEF to reject the project on merit and stated that

- (i) during the site inspection the railways informed that their requirement is 720 ha. of forest land and that they cannot complete the alignment with 683.62 ha. of forest land. Accordingly they have written to the PCCF, Karnataka on 29.8.2008 to forward the proposal for diversion of 720 ha. forest land to the Government of India, MoEF;
- (ii) the proposal for diversion of 5.015 ha. of forest land for the construction of the new broad gauge line from Hubli to Kalaghatgi has been forwarded on 28.1.2008 by the State Government to the Regional Office of the MoEF. It is stated in Part I of the proforma proposal that the total forest land required for the Hubli-Ankola railway line project is 720 ha. and in Phase-I 5.015 ha. of forest land

is required (i.e. for Hubli-Kalaghatgi portion of the railway line);

- (iii) the present proposal for diversion of 683.62 ha. of forest land in District North Canara is not different from the proposal earlier submitted in respect of the alignment of the track. Therefore the stand taken earlier while forwarding the Site Inspection Report to MoEF vide letter dated 15.4.2004 (refer annexure R-6) is reiterated i.e. the proposal is recommended for rejection.
- (iv) as regards the proposal for diversion of forest land falling in Dharward Circle(for railway track between Hubli to Kalaghatgi) the MoEF may consider the same because the extent of forest land required is only 5.015 ha. and the proposal does not involve felling of any tree.

Thus the Regional Office of the MoEF has, while recommending that the diversion of the forest land required for the construction of Phase I (Hubli-Kalaghatgi portion) of the project may be considered favourably ,at the same time also recommended that the proposal for diversion of forest land for the balance portion of the proposed Hubli-Ankola line i.e. for the portion between Kalaghatgi-Ankola may be rejected.

A copy of the above letter dated 7th October, 2008 of the Regional Office, CCF (Central), MoEF to the MoEF is enclosed at ANNEXURE-R-15 to this Report.

23. It is relevant to mention that in the above said letter dated 7.10.2008 of the CCF(C) it is also stated that

"the Principal Secretary, Forest, Ecology and Environment Department, Government of Karnataka vide letter dated 4.3.2008 requested the Principal Secretary, Infrastructure Development Department, Govt. of Karnataka to drop the proposal relating to the construction of the railway line from Kalaghatagi to Ankola as the proposed line serves no useful purpose and it will only benefit iron ore/manganese ore miners / exporters and no traffic is envisaged in the proposed route".

24. The Government of Karnataka, vide letter dated 19.12.2008, filed before the CEC the submissions dated 18.12.2008 of the Principal Secretary (Forests), Government Karnataka giving details of the original proposal for diversion of 964.96 ha. of forest land for the project, adverse observations made by the FAC on the proposal, rejection of the proposal by the MoEF, re-examination of the proposal by the FAC, revised proposal for diversion of 720 ha. submitted by the Railways, findings of revised survey and alignment, revised requirement of 687.07 ha. of forest land assessed during the resurvey (641.57 ha. in Canara Circle and 45.50 ha. in Dharwad Circle) and revised assessment regarding 2,76,840 no. of trees required to be felled. It has been stated by the Principal Secretary (Forests), Government of Karnataka that

(i) as per the proposal submitted by the Railways the project is mainly for transportation of bulk commodities like Iron ore, Coal, Fertilizers, Timber, Food grains etc.

(ii) as per the Report of the PCCF, Karnataka-

"the proposed Ankola-Hubli Railway line passes through dense evergreen / semi evergreen forest areas with canopy density of 0.8 and above. The entire area falls in Western Ghats, which is one of the mega Bio-diversity hot spots recognised by the United Nations and is home to several endemic and endangered species of Flora and Fauna.

These are pristine undisturbed natural wilderness areas. The area receive heavy to very heavy rainfall with average of 3000 mm. and above and the tract involves several valleys and ridges and is highly prone to soil erosion. The entire proposed area is catchments of Kali and Gangavali (Bedthi) rivers. Disturbance to these areas lead to heavy erosion leading to choking of natural drains and siltation of drainage system, thus disturbing the life support systems and destruction of down stream estuaries due to siltation. The forest area falling between the existing Hubli-Ankola National Highway-63 and with the realization of the proposed Railway line the forest tract becomes instantly fragmented contributing to rapid

degradation of the fragmented forest area. There is a traditional elephant migratory path in the Kirwatti Range of Yellapur Forest Division which will be intercepted by the proposed railway line adversely affecting the migratory elephant movements. Thus the cost of the ecological damage is beyond comprehension".

- (iii) the diversion of forest land will have disastrous ecological disturbance in the Western Ghats region due to fragmentation of land scape affecting migratory routes of wild animals thus impacting the breeding cycle and population dynamics of the wild animals in the Western Ghats. Further, the cutting of trees will result in loss of valuable endemic species in the region causing disturbances in species, composition and re-generation capacity of forests. The construction of Railway line through pristine forests of Western Ghats will promote tremendous anthropogenic pressure on the forests causing rapid degradation of these life supporting systems.

25. While strong and convincing submissions have been made by the State Government highlighting the severe damage that will be caused by the project to the ecology of the pristine Western Ghats in Karnataka at the same time the State Government has stated that

"This project is needed for Social and Economic development of backward Uttara Karnataka. At present there is no proper railway connectivity to the coast. For the

inland Commerce and Industries to develop the connectivity to the Ports is required. With this railway line not only the development of Commerce and Industries, but additional infrastructure will be available for tourism and will facilitate development of backward region.

It also appears inevitable that the Western Ghats has to be pierced through at some point to ensure this connectivity between coast line and Eastern plains of the state.

Considering all the points mentioned above, the State Government strongly recommends for laying of Hubli-Ankola Railway line. The State Government will arrange to convert other revenue lands as forest land as per rules".

A copy of the above said letter dated 19.12.2008 together with the submissions dated 18.12.2008 filed by the Government of Karnataka before the CEC is enclosed at ANNEXURE-R-16 to this Report.

26. The Government of Karnataka in its letter dated 30.12.2008 addressed to the MoEF reiterated the stand taken in the submission made before the CEC and requested the MoEF to communicate the approval of the Government of India for diversion of 965 ha. (since revised to 720 ha. and then to 667 ha.) of forest land for the construction of the new broad gauge Hubli-Ankola railway line. A copy of the above said letter dated 30.12.2008 of the Government of

Karnataka addressed to the Ministry of Environment and Forests is enclosed at ANNEXURE-R-17 to this Report.

27. The MoEF has vide its letter dated 18.11.2009 filed its response in the matter before the CEC and wherein the factual position, regarding the Project as stated in earlier paragraphs, have been reiterated. A copy of the above said letter 18.11.2009 of the MoEF is enclosed at ANNEXURE-R-18 to this Report.

28. The MoEF on 8.12.2009 constituted a Committee with (i) Additional Director General of Forests (FC), MoEF, (ii) Regional Chief Conservator of Forests (Central), Regional Office, Bengaluru and Chief Wild Life Warden, Government of Karnataka as Members with the mandate to conduct a site inspection, interact with the Railway Officers and the people's representatives and submit its Report on the proposed Hubli-Ankola Railway line. The Committee after conducting the site visit on 28.12.2009 and after holding the meeting on 29.12.2009 with the Chief Secretary, Karnataka and other concerned senior officers of the Government of Karnataka submitted its Report dated 17.2.2010 to the MoEF wherein the discussions held during the meeting held at Karwar, observations made during the site visit of the project area submissions made by the Karnataka Forest Department, status of the wildlife and the biodiversity, view point of the Members of Parliament, submissions made by the Chief Secretary, Karnataka and Principal Secretary (Infrastructure Development), Govt. of Karnataka, status of the project etc. have

been dealt with. While the said Committee did not make any specific recommendation regarding the project it has at one place made an observation that it is not clear if ecological considerations were kept in mind for selection of the alignment. At another place it has observed that a mere reading of the EIA Report submitted by the Railways indicates that the said EIA Report has not been able to look into the real dimensions of the impact on the flora and the fauna. A project of the dimension of the present railway line requires a much more indepth study.

A copy of the above said Report dated 17.2.2010 of the Committee constituted by the MoEF is enclosed (without enclosures) at ANNEXURE-R-19 to this Report.

29. The Infrastructure Development Department, Government of Karnataka vide letter dated 19.2.2011 engaged the Indian Institute of Science, Bengaluru to undertake the investigations related to biodiversity, Environment Impact Assessment (EIA) and mitigative measures in respect of the proposed Hubli-Ankola railway line project. A copy of the Executive Summary of the Technical Report dated February, 2012 of the Indian Institute of Science, Bengaluru captioned "Biological Diversity, Ecology and Environment Impact Assessment with Mitigation Measures: Hubli-Ankola New Broad Gauge Railway Line" is enclosed at ANNEXURE-R-20 to this Report. The Technical Report deals with the salient features of the Project, methodology followed for carrying out the studies, Environment

Impact Assessment (EIA), Environment Management Plan (EMP) and alternatives suggested at Micro Level to reduce the impact on forests.

30. While dealing with the salient features of the Project, the Technical Report states that the Hubli-Ankola railway line connects the densely populated coastal Karnataka (West Coast of the nation) to the hinterland. The alignment will pass through the Western Ghats covered with forest. The proposed line will be of use specially for its connection to Belakeri, Tadri and Karwar ports and cater to the traffic of about 27 million tonnes cargo. The line will be linkage between the ports on the west coast and naval harbours with the industrially and agriculturally developed vast hinterlands of Karnataka and Maharashtra and will be a vital link for connecting West Coast with the East Coast. It will be a better alternative for mail and express trains from North, North-East and Central India to Southern States. It will link Vasco and Mangalore ports through Konkan Railway. It will be used for transportation of imported coal / coke through Marmagao / Mangalore Port to steel industries and coal based thermal power station in Bellary-Hospet region. The railway line will also be ideal for transportation of timber imported through Mangalore Port and for oil and gas from MRPL, Mangalore and that this line will be the most viable alternative route for movement of iron ore from Bellary-Hospet sector to Murmagoa Port in Goa.

31. In the Environment Impact Assessment (EIA) carried out by the IIS the following important observations have been made:

(i) the proposed alignment passes through the Western Ghats forests and the region is part of Bedthi conservation reserve (at Yellapur), closer to Dandeli Hornbill Conservation reserve and a part of it is located in the buffer region of Anshi Dandeli Tiger Reserve (about 6.5 kms. from Anshi Dandeli Tiger Reserve at the closest point). From 0 KM to 76 KM and 136 KM to 168 (total 108 KM) the proposed railway line passes through plateau region and in the balance 60 KM, from 76 KM to 136 KM (Yellapur to Sunksal), passes through the Ghat section. 112 KM of the line passes through the forest region including evergreen, semi-evergreen, moist deciduous and dry deciduous forests. About 1.95 lakh trees would be removed from their natural habitat;

(ii) the total forest land area to be acquired for this project is 727 ha. of which the major proportion is formed by Yellapur taluk (Yellapur Forest Division, Uttara Kannada District) with 357.07 ha. of land (49.12%) and Ankola taluk (Karwar Forest Division, Uttara Kannada District) with 326.54 ha. (44.92%). The forest land to be acquired in Hubli region (Dharwad Forest Division, Dharwad District) forms a minor portion of 43.38 ha. (5.96%). The terrain, in

the railway zone between Hubli to Kalghatgi, is flatter with gentle undulations and the landscapes are dominated by grasslands and scrubs, bamboo areas intermixed with sparse tree vegetation and monocultures of mainly teak, eucalypts and acacia. The forests in better form begin to appear from Kaghatgi towards Kirwatti. The Kirwatti to Yellapur zone is characterized mainly by moist deciduous forests as the rainfall exceeds 1200 mm and steadily increases towards Yellapur to over 1800 mm favouring occurrence of semi-evergreen forests. Yellapur to Sunksal is a very rugged terrain of steep rising hills and valleys with altitude ranging from 150 to 450 amsl, dense forests and heavy rainfall (1800 – 2500 mm). The natural forests here are of evergreen to semi-evergreen types characterized by several endemic tree species. Unplanned development in the region will diminish the biodiversity – most importantly the endemic and endangered species, hydrology and ecology of the region. The destruction of forests and cutting of dense trees will alter the species composition of the region and alter the overall ecological and hydrological regimes of the existing biomes. Sunksal to Ankola, a width of about 30 kms. belong to the foothills zone of the Western Ghats, which is very hilly (18 to 150 amsl) and dominated by secondary moist deciduous to semi-evergreen forests;

- (iii) for scientific documentation of the vegetation along the proposed railway line, the linear stretch of about 169 kms. was divided into 13 sectors each of 13 kms. length. The 13 kms. sectors were serially numbered 1 to 13 from Ankola towards Hubli. As only the first 10 sectors had forest tree vegetation, the main forest studies were confined to these sectors. The other sectors between Kalghatgi and Hubli has mainly scrub and grasslands with isolated stunted trees and bamboos and some eucalyptus plantations;
- (iv) the floristic study in the Hubli-Ankola railway zone reveals the presence of 43 families, 106 genera and 134 species of trees and 58 families, 128 genera and 146 species of shrubs along the proposed rail alignment. Besides this, 10 species of pteridophytes belonging to 9 families and 9 genera are also present in the Ghat section. Out of the ten sectors studied on the proposed alignment, sector-6 and 7 comprised of evergreen to semi-evergreen forest along a high rainfall rugged hilly terrain with lesser human disturbances. The Sector 6 with lofty evergreen to semi evergreen forests was found to be having the highest basal area / ha. (84.15 m²) and the highest tree number/ha (598) and showed the presence of magnificent trees belonging to *Lophopetalumwightianum*, *Perseamacrantha*, *Ficus nervosa* etc. with GBH (Girth at

Breast Height) more than 400 cm. The species diversity analysis in the Hubli-Ankola railway zone revealed that the sectors 6,7 and 8 had highest species diversity as they harboured evergreen to semi-evergreen forests and had less human disturbances compared to the other sectors. The highest percentage of tree endemism (45%) along with a high percentage of evergreens (87%) was found in Sector-6 covering Vajralli – Birgadde villages in Yellapur taluk along a rugged terrain of steep hills and narrow wet valleys;

- (v) the current study also highlights the presence of many wild and cultivated species of medicinal plants used widely by the local population residing in and around the Hubli-Ankola railway zone.
- (vi) the forests in Hubli-Ankola railway zone are also rich in wildlife with the presence of 29 species of mammals, 256 species of birds, 8 species of reptiles and 50 different species of butterflies. Most of the mammals found in this zone figured in the IUCN Red List signifying their high conservation status and almost all of them were protected under the Schedules of Indian Wildlife Protection Act (IWPA), 1972. The presence of Tiger (Endangered and Schedule-I species), which is a very powerful symbol (keystone species) associated with different cultures

around the world has been recorded in the Yellapur and Karwar forest divisions. The birds recorded from this region such as Hornbills figure in Schedule-I of the Indian Wildlife Protection Act whereas birds including Barbets, Babblers, Bulbuls, Egrets, Fairy Blue bird, etc. figure in Schedule-IV of the IWPA indicating their rarity and high conservation importance. The Bedthi river basin harbors 33 different species of amphibians of which 55% are endemics to the Western Ghats. *Philautuscf. leucorhinus*, a species possibly thought extinct has been recorded from this region;

- (vii) the belt of Kalghatgi range, coming under Devikoppa, Tambur and Sangtikoppa sections, adjoining Kirwatti and Bhagwati is the traditional elephant corridor. The herd of elephants moves from Dandeli Wildlife Sanctuary and passes through Bhagwati, Kalghatgi, Kirwatti, Mundgod, Katur before reaching Hanagal. The elephants usually move in Kalghatgi range during the months of September to December. The proposed line passes through the region which is an important movement path for the elephants during September to February months. The construction of railway track will fragment the existing movement path of the elephants and will also pose a threat of train-hits on elephants. The fragmentation of the movement path will result into the elephants wandering in

the nearby areas (mostly agricultural and horticultural lands) leading to problems like crop destruction, damage to hoardings / houses, injuring people, etc. Thus, the incidences of human-animal conflict will increase because of the fragmentation of natural habitats and movement paths.

- (viii) the analysis shows that in an area of 727 hectares, removal of trees leads to the loss of 2,25,214.59 tons of carbon apart from sequestration potential of 1,580 tons of carbon per year (conservative estimate, based on average values of above ground biomass increment) or 3,696 t per year (considering higher increment values);
- (ix) The forests of Hubli-Ankola railway zone are very productive and provide a large number of tangible and intangible goods and services to the people residing in this region. The total economic value (TEV) including provisioning, regulating, supporting and information functions for the forests of Hubli-Ankola railway zone was found to be Rs. 2,970,435,934 per year with a productivity value of Rs. 4,085,882/ha/yr.
- (x) the proposed project will induce both positive and negative impacts on the eco-system and life of the community in the railway zone.

The Negative Impacts include (a) changes in the land use / land cover of the region, (b) displacement of people and cutting of large number of trees, (c) impacts on wild animals and their movement paths, (d) risks due to landslides, mudslides and earthquakes, (e) smuggling of timber and forest goods, (f) loss of habitats for wild animals and effects of blasting on fauna, (g) loss of



region are of evergreen to semi-evergreen types characterized by several endemic tree species. The ecological condition of this region supports a rich ground flora which involves a good number of endemic and medicinal herbs.

32. In the Environment Management Plan (EMP) prepared by the IIS a number of mitigative measures have been proposed. These include Compensatory Afforestation over 796 ha. land, afforestation of degraded forest lands, setting up of peoples' nurseries, fencing of about 800 ha. of forest land, creation of fodder reserve for wildlife, creation/maintenance of water bodies, afforestation of blanks and degraded areas with trees and shrubs producing berries and seeds consumed by birds, care of Hornbill nesting trees, bridging the steep cuts, provision of camera traps, minimising sharp curves, construction of trenches, joint patrolling by Forest Department and Railways, imposing speed limits in vulnerable stretches, gentler embankments in the elephant crossing areas, increase in the formation width of cuttings, development and harvesting of non-timber forest produce through self-help groups and JFM committees, involvement of affected persons in the eco-system restoration works, adequate drainage of alignment, identification of landslide prone areas and undertaking of mitigative measures therein to prevent landslides and mudslides, mitigative measures during construction phase, constitution of an independent Waste Management Cell, providing basic amenities for the work force, use of renewal energy like solar

energy for lighting of railway signals and constituting the post Project Monitoring Task Force. The total estimated expenditure for implementing various mitigative measures suggested in the Environment Management Plan is Rs. 450 crores.

33. In the above said Technical Report of the Indian Institute of Science, Bengaluru, reduction of track length by 3.85 kms. (from 168.289 kms. to 164.439 kms.), reduction in requirement of forest land by 60 ha.(from 727 ha. to 667 ha.), reduction in number of tunnels by 4(from 29 to 25) and reduction in number of trees to be felled by about 0.37 lakh (from about 1.95 lakh to about 1.58 lakh) has also been suggested. The above suggestions are stated to have been accepted by the project authorities.

34. In the above said Technical Report, it is also stated that for Hubli-Ankola railway line four different alignments namely ALT-1, ALT-2, ALT-3 and ALT-4 were considered and after critical techno-economic and environment evaluation finally the alignment ALT-2 was finalised and approved. The salient features of these four different alignments are given in the statement enclosed at ANNEUXRE-R-21 to this Report. The approved alignment (ALT-2) runs generally along the NH-63 road alignment as close as possible in the plains and deviates from the road alignment to the nearest contours in the hills and valleys. This deviation is a technical requirement as roads could go in hairpin bends and sharp curvatures

whereas railway line has to be loaded in much flatter gradient and curvature. Accordingly, the railway alignment is closely following the National Highway alignment between kms. 20-76 and kms. 121-167 while it detours between kms. 0-20 and 76-121.

35. Before the Site visit undertaken by the CEC on 18th and 19th December, 2013, a meeting was held with the Chief Secretary, Karnataka and other senior officers of the State Government at Bengaluru on 17th December, 2013 and when the Indian Institute of Science, Bengaluru also made a presentation before the CEC. During the meeting the State Government strongly pleaded for an early approval of the Hubli-Ankola railway line stating that

- (i) 300 kms. of coastal belt of Karnataka is not connected to the hinterland blocking many opportunities for economic development as bulk and cost effective movement of cargo between the ports and hinterland is possible only through rail transportation. The rail transportation also results in substantial fuel saving and reduction in green house and gas emission as compared to road traffic. Among all the possible rail routes to the ports, Hubli-Ankola railway line project is economically as well as environmentally most viable one;
- (ii) the present annual movement of cargo is about 26 million tonnes (MMT), (23.8 MMT of imported coal and coke, 2.5 MMT of steel for exports). **The projected cargo on the**

proposed Hubli-Ankola corridor based on the upcoming projects in the hinterland, is estimated to be more than 100 MMT. Presently, the entire cargo and the passenger traffic is through NH-63 (Hubli-Ankola) and SH-69 (Tadsa-Sirsi-Kumita). The road capacity is no match for the projected cargo of more than 100 MMT;

- (iii) the road transportation has limitations and cannot become a viable alternative due to capacity constraints, pollution and accidents besides being inherently uneconomical;
- (iv) the Hubli-Ankola railway line will result in huge savings on the fuel required for transportation and will catalyse the development of Northern Karnataka region. It will sustain the Project Sea Bird and Kaiga Nuclear Power Project and the further power projects in the hinterland;
- (v) the proposed alignment of Hubli-Ankola railway line is based on techno-economic survey, the route length is relatively shorter and amongst all the chosen alternatives, the forest land required is minimal. The Project can be implemented with minimal disturbance to the forest and wildlife habitat and adverse environment impacts can effectively be mitigated;
- (vi) considering that the project is to be implemented in the ecologically sensitive Western Ghats area, it has to

negotiate seasonal elephant corridors at two places, involves the construction of 22.5 kms. of tunnels across the Ghats and requires extra-ordinary care during project implementation phase the State Government has specially chosen Indian Institute of Science, Bengaluru, known for its impeccable integrity, to assess the environmental impacts in the corridor and to suggest mitigative measures. The Indian Institute of Science, Bengaluru studied the entire corridor for one full season and thereafter have come out with a detailed Report along with mitigative measures.

- (vii) the State Government is ready to take up mitigative measures suggested by the Indian Institute of Science, Bengaluru and also to take up any other additional mitigative measures, that are prescribed. The State Government will not pursue Talguppa-Honnnavar railway line. The widening of NH-63 also will not be taken up; and
- (viii) in public interest the Hubli-Ankola railway line project may be cleared subject to compliance of all the statutory commitments, implementation of mitigative measures suggested by the Indian Institute of Science, Bengaluru and other additional mitigative measures, if any.

36. The Government of Karnataka identified a project for the development of a multipurpose, all weather green field sea port at Tadadi in Kumta Taluk, Uttar Kannada District, with a capacity of 34.25 Million MT per annum in Phase I for development on Public Private Partnership (PPP) mode. The Konkan Railway Line and National Highway (NH17) pass close to proposed Port. About 1419 acres of land acquired by the State Government is reserved for the development of the above said proposed port. Subsequently, the State Government, in response to the Ministry of Shipping, Government of India letter dated 17.8.2011 offered development of the said Tadadi Port by the Ministry of Shipping. In response, the Ministry of Shipping communicated that Tadadi can initially be developed, at a cost of about Rs. 184 crores, as Barge Port for 4 meter vessels and later it can be developed as a Major Port when there is significant traffic available. The State Government has in March / April, 2015 again requested the Ministry of Shipping to take up the development of Tadadi Port as a major Port. The State Government has stated that even though Karnataka is endowed with a coastline of 300 kms. there is only one major port namely New Mangalore Port located at the southern end of coastline in Karnataka. There are other minor ports but they cannot handle the quantity of exports / imports that is taking place or envisaged in Karnataka and that the State urgently needs a new major port on its coast line. Therefore if the approval for hinterland rail connectivity through Hubli

(11)

to Ankola is given, this port will become a vital connecting point and lead to much needed development of the Hyderabad Karnataka belt.

In this regard a copy each of the letter dated 30.3.2015 and 29.4.2015 of the Chief Minister and the Chief Secretary, Government of Karnataka respectively are enclosed at ANNEXURE-R-22 (COLLY) to this Report.

37. The Hon'ble Supreme Court has since May, 2011 passed a series of directions in W.P.(C) No. 562/2009 to regulate mining in an environmentally sustainable manner in the Bellary-Hospet sector and also in Districts of Chitradurga and Tumkur in the State of Karnataka. The Hon'ble Supreme Court by judgement dated 18th April, 2013 has prescribed a ceiling of 25 Million Metric Tones (MMT) for total production of iron ore from all the mining leases in District Bellary and a ceiling of 5 MMT for production of iron ore from all the mining leases in Districts Chitradurga and Tumkur together. The Hon'ble Supreme Court has directed that the iron ore which becomes available should be used for meeting the iron ore requirement of the steel plants and associated industries located in Karnataka and also of those plants located in the adjoining States which have been using the iron ore from the mining leases located in these Districts. Exports, outside the country, should be permissible only in respect of the material which the steel plants and associated industries are not willing to purchase on or above the average price realized by the Monitoring Committee for the corresponding grades of fines/lumps

during the sale of about 25 MMT of the existing stock of iron ore. Similarly, the iron ore produced by the beneficiation plants after processing should also not be permitted to be exported outside the country. The Steel Plants and associated industries have repeatedly pleaded before the Hon'ble Supreme Court to increase the above said total ceiling of 30 Million MT on the ground that their total annual requirement of iron ore is much more. The Hon'ble Supreme Court has till date not agreed to increase the above said total ceiling of 30 Million MT of annual production. During the last four years there has been no export of iron ore from Bellary-Hospet sector. In the above background there is practically no possibility of large scale export of iron ore taking place from Bellary-Hospet area in the near future.

OBSERVATIONS AND RECOMMENDATIONS

38. From the above it may be seen that the Ministry of Railways in the year 1997-1998 sanctioned the project for the construction of the 168.289 kms. long new broad gauge railway line between Hubli (Dharwad District) and Ankola (Uttar Kannada District) in the State of Karnataka. The said railway line connects Hubli station with Ankola station on the existing Konkan railway line (Mangalore to Goa) and will provide the rail link to the ports on the west coast (refer map at Annexure R-1 to this Report). The estimated project cost was Rs. 1153.08 crores (since revised to Rs. 2315.384 crores) and which is to be shared on 50 : 50 basis between the Railways and the State of Karnataka. The said railway line is to serve mainly freight traffic.

39. The project was earlier justified on the ground that the potential traffic in future for transportation of iron ore from Bellary-Hospet sector of Karnataka to ports for exports is going to be about 16 million tonnes (MMT) annually whereas the present established capacity is for transportation of only 6MMT of iron ore annually. Pursuant to a series of directions passed by the Hon'ble Supreme Court from May, 2011 onwards the production of iron ore in the Bellary-Hospet sector has come down significantly and the present level of production is not adequate to even meet the requirement of the existing steel and allied industries. Part of the requirement is presently being met by the Steel Industry by procurement from Odisha and other States and also by imports from other countries. During the last four years no export of iron ore has taken place from Bellary-Hospet sector and there is presently no possibility of the same in near future. Therefore in all probability the proposed railway line is not likely to have any iron ore cargo available for transportation to ports for exports.

40. The State of Karnataka has now justified the project stating that it is needed for economic development of backward Uttara Kannada District. The stretch of 300 Kms of coastal belt of Karnataka is not well connected to the hinterland thereby blocking many opportunities for economic development as bulk and cost effective movement of cargo between the ports and hinterland is possible only through rail transportation. According to the State Government the Hubli-Ankola railway line is economically as well as environmentally the most viable rail route to the ports. The present annual movement of cargo

is about 26 MMT (23.8 MMT imports and 2.5 MMT exports) and projected cargo in the Hubli-Ankola corridor, based on the upcoming projects in the hinterland, is more than 100 MMT. The existing road capacity is no match for the projected cargo of more than 100 Million MT. Moreover, the road transportation has limitations and cannot become a viable alternative because of various factors including capacity constraints, pollution and accidents besides being inherently uneconomical.

41. Out of 168,289 kms. of the proposed railway line, 120 kms. would pass through reserve forest. Moreover, 63 kms. of the project would be passing through center of prime forests of Western Ghats in Karnataka. The total land required for the project is 1384.48 ha. out of which 965 ha. is reserve forest land (since revised to 720 ha. and then 667 ha.). The formal proposal seeking approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of 965 ha. of forest land and felling of 2.48 lakh trees for the construction of the said project was submitted by the Principal Chief Conservator, Karnataka Forest Department to the State Government in October, 2003 (refer Annexure R-4 to this Report) and by the State Government to the Ministry of Environment and Forests (MoEF) in November, 2003 (refer Annexure R-5 to this Report). Earlier the Principal Chief Conservator, Karnataka Forest Department in November, 2002 submitted his report to the State Government stating that there appears to be no case or national interest is served by constructing

the said railway line (refer Annexure R-2 to this Report). The Principal Chief Conservator, Karnataka Forest Department while recommending the proposal observed that *"the proposed alignment has been inspected by me on 25.9.2003 and found that the forest and terrain really do not permit a railway line"*. The Government of Karnataka also while forwarding and recommending the proposal to the MoEF observed that *"This new railway line will further fragment the forests and expose fresh areas to anthropogenic pressures. However these appear inevitable given the importance of the line for the State"*.

42. As per the guidelines prescribed for implementation of the Forest (Conservation) Act, 1980, the site inspection of the forest area proposed for diversion was carried out by the concerned Regional Office of the MoEF at Bengaluru and thereafter in April, 2004 a detailed Report was submitted by the Chief Conservator of Forest (Central) of the Regional Office to the MoEF. The Chief Conservator of Forest (Central) observed (refer Annexure R-6 to this Report) that the 63 kms. of the proposed railway line would be passing through moist deciduous prime forest of Sahyadri Hills of Western Ghats in the State of Karnataka and would involve felling of about 2.66 lakh trees. The proposed track would badly fragment habitat and essential corridor of elephants in Western Ghats. The area is habitat of rare and endangered endemic flora and fauna and also forms catchment area of major river system of Uttara Kanada District. The ecological cost of the project would be very huge as compared to the

tangible benefits of the project. Though all the concerned officers of the State have recommended the project but all have unanimously expressed the same views that for the prime forests of Western Ghats the project shall play a havoc. The Chief Conservator of Forest (Central) recommended for rejection of the proposal inter alia stating that ".....this (project) will simply be a tragedy on the prime forest of Western Ghats and of the much talked about biological hot-spot of the country. Vast stretch of prime forest shall be subject of serious soil loss, bio-diversity degradation, adverse impact on hydrological system of major rivers and irreversible effect of fragile ecological system of Western Ghats..... No amount of mitigation shall compensate the huge cost of ecological damage which this project of rail track shall bring to the Western Ghats".

43. The Forest Advisory Committee (FAC) constituted by the Central Government under Section 3 of the Forest (Conservation) Act, 1980 considered the said project during May, 2004 and recommended for rejection inter alia observing that "The construction of the proposed new railway track from Hubli to Ankola for transporting mainly iron ore has no much justification. On the other hand, this will simply be a tragedy on the prime forests of Western Ghats and of the biological hot spot of the country. Vast stretch of prime forests shall be subject of serious soil loss, biodiversity degradation, adverse impact on hydrological system of major rivers and irreversible effect on fragile ecosystem of Western Ghats".....The MoEF , keeping in view the above observations

made by the FAC, rejected the proposal on merit in June, 2004 (refer Annexure R-8 of this Report).

44. The Railways requested the MoEF to reconsider the proposal for diversion of forest land on the ground that with the increase in demand globally for iron ore the speedy construction of the said railway line has become even more essential. Thereafter the proposal was re-examined by the FAC in September, 2004. The FAC reiterated that about 900 ha. falls in very good forest and that large scale felling of trees will be detrimental to the ecology of the Western Ghats – a biodiversity hot spot and asked the railways to critically revise the proposal and to submit a revised proposal for the construction of the railway line from Hubli to Kalaghatgi along with details of other alternatives explored (refer Annexure R-9 to this Report). Thereafter the Ministry of Railways in June, 2005 submitted a revised proposal to the Principal Chief Conservator of Forests, Karnataka Forest Department wherein the requirement of the forest land was reduced from 965 ha. to 720 ha.(refer Annexure R-10 to this Report).

45. In the meanwhile the project works on the non-forest land were started by the railways over a stretch of 40 kms. Between Hubli to Kirawatti. **The Principal Chief Conservator of Forest, Karnataka Forest Department** in September, 2003 asked the railways to stop forthwith the work on non-forest land on the ground that it was being done in violation of the FC Act guidelines and that since the project

involves diversion of more than 900 ha. of forest land in the Western Ghats, the approval of the MoEF for the diversion of forest land cannot be taken for granted (refer Annexure R-3 to this Report). During the hearing of the present Application before the CEC in September, 2006, the CEC also advised the Ministry of Railways to stop the work being done in the non-forest land. The MoEF was also advised not to issue any permission in the present case till the matter is examined in its totality and a Report is filed by the CEC before this Hon'ble Court (refer Annexure R-11 to this Report). Thereafter the works being undertaken in the non-forest land were stopped by the Ministry of Railways.

46. The Ministry of Railways have developed a Contingency Plan as per which the project will be taken up in Phases. In the 1st Phase 35 kms. railway line between Hubli and Kalaghatgi will be constructed and commissioned and in the 2nd Phase the railway line upto Devikoppa (41 kms.) will be constructed. The Phase I and Phase II of the project would involve diversion of 5.5 ha. and 1.0 ha. respectively of forest land and which are located on the fringe of forest land and mainly consist of bushes and shrubs. The Ministry of Railway stated that the project is viable even by commissioning in stages (refer affidavit filed before the CEC by the Ministry of Railways at Annexure R-13 to this Report).

47. A formal proposal for diversion of 5.015 ha. of forest land falling in Dharwad Forest Division for construction of Phase I of the project

(from Hubli to Kalaghatgi) has been forwarded by the State Government to the Regional Office of the MoEF in January, 2008. Separately the State submitted the details of 683.62 ha. of forest land falling in North Canara District assessed to be required for the project. The Regional Office of the MoEF in its Report submitted to the MoEF in October, 2008 recommended that the diversion of 5.015 ha. of forest land for construction of railway track between Hubli to Kalaghatgi may be favourably considered and that the proposal for diversion of 683.62 ha. of forest land in North Canara District (Canara Circle) for the construction of balance portion of Hubli-Ankola railway line may be rejected as it is not different from the earlier proposal (refer Annexure R-15 to this Report).

48. In the submissions made before the CEC by the Principal Secretary (Forest), Government of Karnataka, it has been reiterated that the diversion of forest land (for the project) will cause disastrous ecological disturbance in the Western Ghats due to fragmentation of land scape affecting migratory routes of wild animals thus impacting the breeding cycle and population dynamics of the wild animals in the Western Ghats. The cutting of trees will result in loss of valuable endemic species in the region. The construction of Railway line through pristine forests of Western Ghats will promote tremendous anthropogenic pressure on the forests causing rapid degradation of these life supporting systems. Notwithstanding the above the project has at the same time been strongly recommended on the ground that for social and economic development of backward Uttara Kannada

District the project is needed and that it appears inevitable that the Western Ghats has to be pierced through at some point to ensure rail connectivity between coast line and Eastern plains of the State (refer Annexure R-16 to this Report).

49. The Indian Institute of Science, Bengaluru (IIS), engaged by the Government of Karnataka to carry out Environment Impact Assessment (EIA) studies and to prepare Environment Management Plan (EMP) submitted its Technical Report in February, 2012 (refer Annexure R-20 to this Report). The Report by and large validates and confirms the observations made by the PCCF, Karnataka Forest Department, Principal Secretary (Forests), Government of Karnataka, Regional Chief Conservator of Forests, MoEF and also by the Forest Advisory Committee regarding the likely severe adverse ecological impact of the project on the prime natural forests of Western Ghats having rich bio-diversity and supporting a large number of endemic species and with abundance of wildlife by way of bio-diversity degradation, soil erosion, fragmentation of land scape, adverse impact on hydrological system of rivers, loss of endemic species and tremendous anthropogenic pressure leading to rapid degradation of pristine natural and dense forests of Western Ghats.

50. The Report states that the proposed line passes through evergreen, semi-evergreen, moist deciduous and dry deciduous forests. About 1.95 lakh naturally grown trees will be required to be felled. Part of the project area is located in the buffer region of Anshi

Dandeli Tiger Reserve. The Western Ghats through which the railway line passes between Yellapur to Sunksal (60 KM) is a very rugged terrain of steep rising hills and valleys with altitude ranging from 150 to 450 amsl and having evergreen to semi-evergreen dense forest. A number of endemic tree species are found in the area. Unplanned development in the region will diminish the biodiversity and most importantly the endemic and endangered species, hydrology and ecology of the region. The destruction of forest and cutting down of trees will alter the species composition of the region and alter the overall ecological and hydrological regimes of the existing biomes. 43 families, 106 genera and 134 species of trees and 58 families, 128 genera and 146 species of shrubs are found in the region of the proposed raii alignment. In the evergreen and semi-evergreen forests of the Western Ghats the number of trees of above 30 cms girth is as high as 598 per ha. Many wild and cultivated species of medicinal plants are found in the area. The area is rich in wildlife with the presence of 29 species of mammals including tiger, 256 species of birds, 8 species of reptiles and 50 species of butterflies. Most of the mammals figure in the IUCN Red List signifying their high conservation status. A large number of birds are found in area including Hornbills (a Schedule I bird), 33 species of amphibians are found in Beethi river basin of which 55% are endemic to Western Ghats. The proposed line passes through the belt of Kalaghatgi range and which is the traditional elephant corridor. The herd of elephants moves from Dandeli Wildlife Sanctuary through this

area before reaching Hanagal. The construction of the railway track will fragment the existing movement path of the elephants and will also pose a threat of train hits on elephants, elephants wandering in the nearby agricultural and horticultural lands leading to crop destruction, damage to houses, injuring people, etc.

51. The extraordinary ecological and economic importance and value of the forest land involved in the proposed project is perhaps most effectively brought out by the assessment of the Total Economic Value (TEV) done during EIA by the IIS, Bangalore. As stated in the Technical Report these forests provide a very large number of provisioning, regulating, supporting and information services. The Total Economic Value (TEV) of these services provided by the forest land involved in the proposed project has been assessed to be Rs. 40.859 lakh per ha. per year and for the 727 ha. of forest land involved to be Rs. 29,704 lakhs/year. Based on the above valuation and applying a discount rate of 4% the annuity (Net Present Value) of the forest land involved in the present case comes to Rs. 10.215 crores per ha. and for 727 ha. of forest land involved it works out to Rs. 7426.09 crores. It is relevant to mention that the Hon'ble Supreme Court by order dated 28th March, 2008 has prescribed the rates of the Net Present Value (NPV), to be paid by the user agencies at the time of the grant of the approvals under the Forest (Conservation) Act, for the forest lands falling in various Eco-Classes and density Sub-Classes. For this purpose the monetary value of the goods and services (Total Economic Value) annually provided by the

forests were assessed and thereafter, by applying the discount rate of 4%, the NPV for each Eco-class/Sub-class were calculated. The rates of the NPV so arrived at (and prescribed by the Hon'ble Court) vary between Rs. 4.38 lakh per ha. (for the open forests falling in Eco-Value Class IV) to Rs. 10.43 lakh (for very dense forests falling in Eco-Value Class I). On the other hand based on the Total Economic Value (TEV) of the forest land involved in the present project, as assessed by the IIS, Bangalore, the value of the NPV comes to Rs. 10.215 crores per ha. and for the 727 ha. forest land involved comes to Rs. 7426.09 crores. These figures most effectively demonstrate the extraordinarily high ecological and economic value of the forest lands involved in the project.

A copy of the relevant Chapter of the Technical Report of the IIS, Bangalore captioned "Valuation of Forest Eco-system Goods and Services" is enclosed at ANNEXURE-R-23 to this Report.

52. A number of mitigative measures have been proposed in the Environment Management Plan (EMP) prepared by the IIS. These include Compensatory Afforestation, setting up of nurseries, fencing of forest land, afforestation of degraded areas, joint patrolling, imposing speed limits in vulnerable stretches, involvement of affected persons in the eco-system restoration works, undertaking mitigative measures during construction phase, constitution of an Independent Waste Management Cell and construction of post Project Monitoring Task Force. The estimated expenditure in this regard is Rs. 450

crores. It is relevant to mention that the proposed mitigative measures are otherwise also generally prescribed while approving diversion of forest lands under the Forest (Conservation) Act, 1980.

53. The Report of the IIS has suggested reduction of i) track line by 3.85 kms., ii) of forest land by 60 ha., iii) of tunnels by 4 and iv) of trees to be felled by 0.37 lakh. All these suggestions have been accepted by the project authorities.

54. To recapitulate, the proposed Hubli-Ankola railway line passes through very dense and biodiversity rich semi-evergreen and evergreen forests of ecologically sensitive Western Ghats – one of the identified mega biodiversity hot spots in the world, having a large number of plant species including a number of endemic and endangered species and with abundance of wildlife such as tigers and leopards. The proposed alignment passes through the elephant corridor. The proposal for diversion of 965 ha. for the project was rejected by the MoEF on merit after the Forest Advisory Committee recommended against the same on account of its adverse impact on the prime forests of Western Ghats because of soil erosion, biodiversity degradation, adverse impact on hydrological system and irreversible effect on fragile ecosystem of Western Ghats. The observations made in the Reports of the Principal Chief Conservator of Forests, Karnataka Forest Department, Principal Secretary (Forests), Government of Karnataka and the Regional Chief Conservator of Forests lucidly bring out the ecological importance of

the forest area involved and the likely adverse impact of the project on the forests, environment and wildlife and which have been validated by the EIA studies carried out by the Indian Institute of Science, Bengaluru. The Total Economic Value (TEV) of the forests has been assessed to be Rs. 40.859 lakhs/ha/yr. and for 727 ha. to be Rs. 297.04 crores / year. Based on the above the value of the NPV comes to be Rs. 10.215 crores / ha. And Rs. 7246.09 crores for 727 ha. of lands involved. These figures strongly indicate the very high ecological value of the forests involved. A revised proposal seeking diversion of 720 ha. of forest land has been submitted to the Project authorities. The project was earlier justified on the ground of potential for transportation of iron ore for exports and which is no more relevant. Now the project is being justified on various other grounds such as connectivity of the coastal area to the hinterland, projected cargo for imports and advantages of transportation through rail vis-à-vis by road.

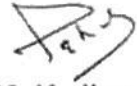
55. The CEC is of the considered view that the project would cause huge and irreparable damage to the forests, wildlife and biodiversity of the Western Ghats and which would far outweigh the actual tangible benefits of the project. The reduction in the extent of the forest land now sought for diversion for the project does not make any material difference. The adverse impact of the project on forests, wildlife habitat and bio-diversity is not likely to remain confined to only the forest area diverted for the project but to a much larger area around the project site because of fragmentation of habitat,

encroachments, illegal felling, diversion of forest land for housing, infrastructure development and other projects. No amount of mitigative measures would be adequate to contain the severe adverse impact of the project on the biodiversity rich dense forest of Western Ghats and ecology within reasonable limits. Therefore, the proposal for diversion of forest land, rejected on merit by the MoEF under the Forest (Conservation) Act, 1980 on ecological and environmental considerations should not now be reviewed or approved.

56. In the above background, the CEC is of the view that it may be appropriate that this Hon'ble Court may consider directing the MoEF not to reconsider / approve the proposal for the diversion of 965 ha. of forest land (subsequently revised to 720 ha. and then to 667 ha.) falling in Dharwad, Yellapur and Karwar Forest Divisions in the State of Karnataka for construction of the new Hubli-Ankola Broad Gauge railway line and which was earlier rejected on merit by the MoEF on 10/11.6.2004. However considering that (a) the track between Hubli-Kalaghatgi in Dharwad Forest Division involves diversion of 5.015 ha. of forest land lying on the fringe of the forest and that as per the Contingent Plan prepared by the railways the project is viable even by commissioning in stages and that the proposal sent by the State Government to the MoEF seeking approval under the Forest (Conservation) Act, 1980 for the diversion of the said forest land has been recommended by the Regional Office of the MoEF the CEC is also of the view that the MoEF may be granted liberty to take a

decision on merit on the said proposal provided the Ministry of Railways confirms that the construction of the above said portion of the railway line is commercially viable even if the diversion of the forest land for the balance portion of the Hubli-Ankola railway line is not permitted.

This Hon'ble Court may please consider the above Report and may please pass appropriate orders in the matter.



(M. K. Jiwrajka)
Member Secretary

Dated: 3rd August, 2015.

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 1168 of 2015 (I.A. No. 3897 of 2015)
In
W.P. (C) No. 202 of 1995**

IN THE MATTER OF:

T.N. Godavarman Thirumalpad Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: Applicant : Mr. Ritwick Dutta and Mr. Rahul Choudhary, Advs.
Respondents: Mr. Balendu Shekhar and Mr. Akshay Abrol, Advs. For MoEF and Mr. Eishan
Mr. Devraj Ashok, Adv. for State of Karnataka

Mr. Om Prakash, Adv. for Northern Railway

Mr. A.D.N. Rao and Mr. Sudipto Sircar, Advs. For Amicus Curia and Mr. Annam Venkatesh

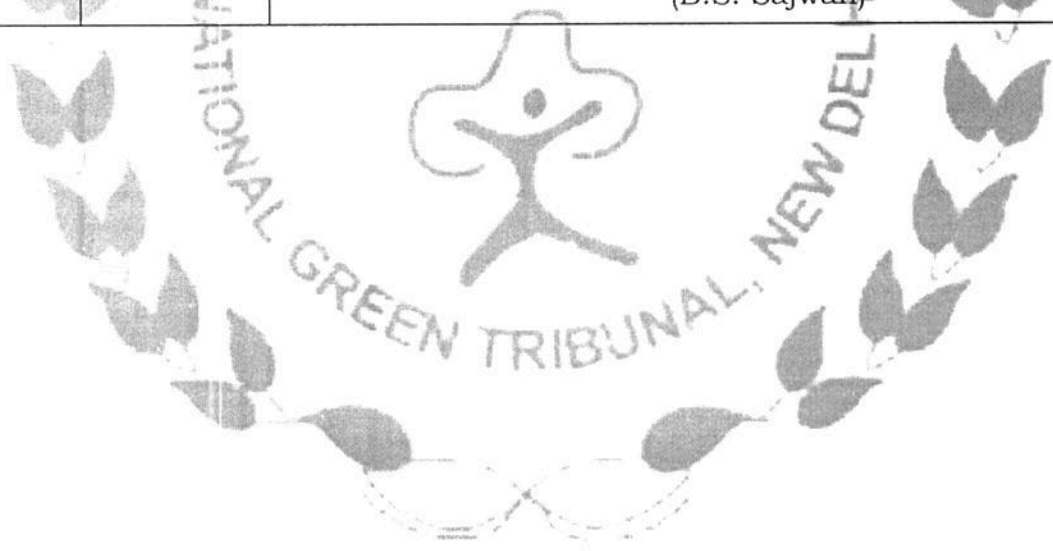
Date and Remarks	Orders of the Tribunal
<p align="center">Item No. 09 February 10, 2016</p>	<p>This Application was registered in furtherance to the order passed by the Hon'ble Supreme Court of India while transferring I.A. No. 1168 of 2015 to the Tribunal for proper and expeditious adjudication. The controversy in the present case relates to conversion of Forest land to a non-forest activity that is construction of new Hubli-Ankoka Broad Gauge Railway Line for which total land of 965 hectares falling in Dharwd Forest Division and Yellapur and Karwa Forest Divisions in the State of Karnataka is required.</p> <p>The CEC while submitting its report to the Hon'ble Supreme Court of India had submitted a proposal that MoEF should not consider/approve the proposal for diversion submitted by the Project Proponent. The CEC has given various reasons for making such suggestions before the Hon'ble Supreme Court of India.</p>

We have heard the Learned counsel appearing for the parties. To apply for conversion of forest land to a non-forest activity is a right available to the Project Proponent and/or State Government as the case may be. This has to be dealt with in accordance with law. Under the provision of Section 2 of the Forest (Conservation) Act, 1980 the State Government has to issue an order permitting such conversion with prior approval of the Central Government that is MoEF. We do not think that CEC even intended to allow or deny such right to the Project Proponent but has expressed its view for non grant of such permission in term of Section 2 of the Forest (Conservation) Act, 1980. The principal apprehension was the environmental and ecological damage to the western ghats. In the circumstances afore-recorded we dispose of this Application with liberty to the Project Proponent to move the State Government by submitting an appropriate proposal for diversion of land for this project. If such Application is moved the State Government shall deal with it expeditiously. They would seek prior approval of MoEF in accordance with law and then depending on the approval granted by MoEF the State Government in its own right would issue an appropriate order under Section 2 of the Forest (Conservation) Act, 1980. The order so passed by the State Government shall operate for period of four weeks and shall immediately be put on the website of in accordance with Rules.

We make it clear that if there is a challenge to the order granting permission for diversion of forest for non-forest activity in favour of the Project Proponent, the record of this file shall be tagged to that Application.

		<p>We have heard the Learned counsel appearing for the parties. To apply for conversion of forest land to a non-forest activity is a right available to the Project Proponent and/or State Government as the case may be. This has to be dealt with in accordance with law. Under the provision of Section 2 of the Forest (Conservation) Act, 1980 the State Government has to issue an order permitting such conversion with prior approval of the Central Government that is MoEF. We do not think that CEC even intended to allow or deny such right to the Project Proponent but has expressed its view for non grant of such permission in term of Section 2 of the Forest (Conservation) Act, 1980. The principal apprehension was the environmental and ecological damage to the western ghats. In the circumstances afore-recorded we dispose of this Application with liberty to the Project Proponent to move the State Government by submitting an appropriate proposal for diversion of land for this project. If such Application is moved the State Government shall deal with it expeditiously. They would seek prior approval of MoEF in accordance with law and then depending on the approval granted by MoEF the State Government in its own right would issue an appropriate order under Section 2 of the Forest (Conservation) Act, 1980. The order so passed by the State Government shall operate for period of four weeks and shall immediately be put on the website of in accordance with Rules.</p> <p>We make it clear that if there is a challenge to the order granting permission for diversion of forest for non-forest activity in favour of the Project Proponent, the record of this file shall be tagged to that Application.</p>
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		<p>The Affidavit filed on behalf of the State of Government has been taken on record.</p> <p>We have intentionally not dealt with any merits of the case.</p> <p>Accordingly, M.A. No. 1168 of 2015 (I.A. No. 3897 of 2015 stands disposed of without any order as to costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Jawad Rahim)</p> <p>.....,JM (Sonam Phintso Wangdi)</p> <p>.....,EM (Dr. D. K. Agrawal)</p> <p>.....,EM (B.S. Sajwan)</p>
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TimeLine DetailsProposal received date at each stage of flow.A. General Details

- (i). Proposal No. : FP/KA/RAIL/19023/2016
(ii). Name of Project for which Forest Land is required : New BG Railway Line between Hubli to Ankola
(iii). Short narrative of the proposal and Project/scheme for which the forest land is required : New BG Railway Line between Hubli to Ankola
(iv). State : Karnataka
(v). Category of the Project : Railway
(vi). Shape of forest land proposed to be diverted : Linear
(vii). Area of forest land proposed for diversion(in ha.): 595.64

B. Time Line

Proposal No.	Submitted by User Agency	Query for Shortcoming(if any) by Nodal Officer	Resubmission of Proposal by User Agency	Query by Nodal Officer for submitting Hard Copies	Uploading(by U.A.) of copies of receipt received from DFO & DC	Division	Circle	Nodal Office	State Government	Stage-I Approval	Stage-II Approval
FP/KA/RAIL/19023/2016	23/04/2016	17/05/2016 02/05/2016	06/06/2016 05/05/2016	07/06/2016	17/06/2016	Dharwad : 17/06/2016 Yellapura : 17/06/2016 Karwar : 17/06/2016	Kanara : 19/07/2016 (Yellapura) Kanara : 20/07/2016	Karnataka 28/10/2016	Karnataka: 28/10/2016		

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Note :- All areas are in hectares (ha.)

Proposal No.	State Name	Proposal Name	Category	User Agency Name	Area (ha.)	Proposal Status	Proposal Received on	View Report of Part-I & II	View Report of Part-III	View Report of Part-IV	SBWL Minutes of Meeting and Recommendation of State Govt.	Recommendation of NBWL	View TimeLine Details
FP/KA/PAIL/19023/2016	Karnataka	New BG Railway Line between Hubli to Ankola	Railway	DEPUTY CHIEF ENGINEER	595.64	Disposed	17 Jun 2016						

MINUTES OF THE TWENTIETH MEETING OF REGIONAL EMPOWERED COMMITTEE OF REGIONAL OFFICE (SZ), BANGALORE HELD ON 29/08/2017 IN THE OFFICE OF THE ADDL. P.C.C.F. (CENTRAL) MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE, REGIONAL OFFICE (SOUTHERN ZONE), KENDRIYA SADAN, KORAMANGALA, BANGALORE.

The **Twentieth** meeting of the Regional Empowered Committee (REC) of RO, SZ, Bangalore was held on **29/08/2017** in the office of the Addl. P.C.C.F. (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Kendriya Sadan, Koramangala, Bangalore. The list of members who participated in the meeting is attached (Annexure-1).

Initiating the discussion, the Chairman extended warm welcome to the Members of the Regional Empowered Committee (REC). The REC examined the following proposals and the recommendations of REC are recorded in respect of each proposal as under:-

State: KARNATAKA

Agenda No.1: Diversion of 0.91 ha. forest land in R.M. Block Forest, Sandur Range for approach road for M.L.No. 2593 (old 622) of M/s. Ramgad Minerals & Mining Limited, Hospet.

REC noted the following facts of the proposal:-

- (i) Initially, MoEF&CC, New Delhi vide letter No. 8-98/99-FC dated 16/03/2005 had accorded approval under Forest (Conservation) Act, 1980 for diversion of 20.23 ha. of forest land for renewal of mining lease no. 622 in favour of M/s Ramgad Mining and Minerals Pvt Ltd for a period co-terminus with the current lease granted under MMRD Act, 1957. The Government of Karnataka vide Notification dated 21/05/2008 had sanctioned first and second renewal of mining lease no. 622 for a period of 20 years each w.e.f 24/02/1986 and 24/02/2006 respectively in favour of user agency.
- (ii) As per the Mines & Minerals (Development & Regulation) Amendment Ordinance, 2015, the Director, Mines and Geology, Govt. of Karnataka vide letter dated 25/04/2015 had extended the lease period upto 23/02/2026.
- (iii) The present proposal is for diversion of 0.91 ha. of forest land for existing approach road for mining project of M/s. Ramgad Minerals & Mining Limited, M.L.No. 2593 (old 622) Hospet, Bellary District.
- (iv) MoEF&CC, New Delhi vide letter No.7-15/2015-ROHQ dated 16th June, 2015 had clarified that approach road to the mining lease within the forest area is to be treated as part of the mining project / proposal.
- (v) The FRA compliance certificate as per Ministry's guidelines dated 05/07/2013 is furnished.
- (vi) The User Agency has identified non-forest land over an extent of 1.0 ha. in Sy.No. 131/BP1 of Chatnihalli village of Harapanahalli Taluk, Davanagere District. DCF, Davanagere has certified suitability of the area for raising plantation.

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- (vii) This mining lease has been classified as Category 'B' Mines by the C.E.C. The C.E.C has approved R&R plan vide letter dated 14/02/2013.
- (viii) The DSS analysis of the proposal was done and as per the analysis, the proposed area for diversion is violating the Decision Rule Set -II. Therefore, the forest area to be diverted is found as "inviolate".

Recommendations of REC:-

REC examined the proposal and observed that since it is an old existing road used by the User Agency, there will not be any additional disturbance to the flora in the area. The project area has been inspected and seen that violation of Decision Rule Set -II (DSS) may not have any significance in the instant case. Moreover, the approach road is absolutely essential for transportation of minerals. However, the title of the project has to be suitably rechristened from "post-facto approval" to diversion of forest land for approach road as it is an old existing road.

Considering the above facts, REC decided to recommend the diversion of 0.91 ha. of forest land under F(C) Act, 1980 for the project for approval of MoEF&CC, New Delhi based on the clarification issued by Ministry vide letter No.7-15/2015-ROHQ dated 16/06/2015 that approach road to the mining lease within the forest area is to be treated as part of the mining project, subject to usual conditions and the following additional conditions:-

- (a) Penal Compensatory Afforestation over double the extent of area in degraded forest land shall be carried out at the cost of user agency.
- (b) Avenue plantation shall be raised on both sides of the road wherever possible and user agency shall take up afforestation works on the overburden dumps.
- (c) The User Agency shall protect the forest on either side of the road with suitable measures in consultation with DCF, Bellary from biotic interference as well as forest fire.
- (d) Suitable soil conservation measures shall be taken up.

Agenda No.2: Diversion of 10.52 ha. of forest land for renewal of M.L.No.1611 for mining of Iron Ore in R.M. Block, Sandur Taluk, Bellary District and 1.00 ha. of forest land for approach road in favour of M/s Shree Marketing Corporation, Hospet, Bellary.

REC noted the following facts of the proposal:-

1. This mining lease was initially sanctioned on 18.06.1979 for 20 years for an area of 30.76 ha. and after expiry of lease, the mining activities were stopped. Subsequently, the Commerce & Industries Department, Govt. of Karnataka vide Notification dated 18.02.2008 have sanctioned the first renewal for a period of 20 years w.e.f. 18.06.1999 under MMRD Act, 1957 for an area of 10.56 ha. of the original lease area of 30.76 ha. The user agency has obtained approval of mining plan from IBM as well as

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environmental clearance from Ministry of Environment & Forests for an area of 10.52 ha. The user agency has also proposed 1.00 ha. of forest land outside mining lease area for approach road.

2. This proposal was considered in the State Advisory Group (SAG) meeting held on 21.02.2011 and SAG recommended the proposal for approval.
3. Regional office also recommended the proposal to Ministry for approval under Forest (Conservation) Act, 1980 for a period of 20 years co-terminus with the lease granted under MMDR Act 1957 with other usual conditions.
4. Ministry after examination of the proposal had sought clarification on the following points:-
 - i. What is the current status of the proposed land.
 - ii. Whether mining continued over 30.76 ha. even after 25/10/1980.
 - iii. Quantity of ore already extracted from the mine and report submitted to the Department of Mines.
 - iv. Map showing broken up and other area.
5. The above information has been sought from State Government vide RO, Bangalore letter dated 04/07/2011. The requisite information has not been received from State Government inspite of repeated reminders and therefore the proposal was closed vide RO, Bangalore letter dated 31/07/2014 as per para 4.14 of guidelines issued under Forest (Conservation) Act, 1980.
6. The State Government vide letter dated 19/05/2017 had furnished additional information and informed that the delay in furnishing the additional information was due to solving the dispute between Karnataka Forest Dept. and user agency with regard to change of land use and requested to reopen the proposal.
7. The State Government has also reported that this mining lease has been classified as Category 'A' by CEC and reclamation and rehabilitation plan have been approved by CEC.
8. As per the Mines & Minerals (Development & Regulation) Amendment Ordinance, 2015, the Director, Mines and Geology, Govt. of Karnataka vide letter dated 25/04/2015 had extended the lease period upto 17/06/2029.
9. The PCCF, Karnataka has reported that as per the CEC sketch the lease area is 10.30 ha.
10. PCCF, Karnataka has reported that there is a change in the earlier proposed land use. As per the instructions of Forest Department, the user agency has earmarked 2.70 ha towards biodiversity area and 1.10 ha towards (7.5 meter) safety zone, out of the total area of diversion of 10.30 ha. PCCF has recommended the proposal for diversion of 10.30 ha of forest land (as per CEC sketch) for the purpose of renewal of mining lease for mining of iron ore and 1.0 ha forest land for the purpose of approach road in favour user agency for a period co-terminus with the lease period under MMDR Amendment Act, 2015, i.e upto 17/06/2029 subject to the following conditions:-

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- Mining activity shall be undertaken in 6.50 ha only and the remaining area of 3.8 ha shall be kept as bio-diversity area (undisturbed area).
 - Soil and water conservation measures to be done before start of the mining operations.
11. The DSS analysis of the proposal was done and as per the analysis, the proposed area for diversion is violating the Decision Rule Set -II. Therefore, the forest area to be diverted is found as "inviolate".
 12. RoFR compliance certificate was furnished earlier by State Government vide letter dated 26/06/2010. However, the same is not in the pro-forma as stipulated by the Ministry. Therefore, State Government has been requested vide letter dated 10/08/2017 to furnish the RoFR Compliance certificate as per MoEF&CC letter No. 11-9/98-FC(pt) dated 05/07/2013. The same is yet to be received from State Government.
 13. The site inspection of the area was carried out by CF(C) on 26/08/2017 and reported that the enumeration of trees was done during 2008-09 in the proposed area and a fresh enumeration is required to be done.

Recommendations of REC:-

REC examined the proposal and observed that the area is for mining of float ore and the depth of the ore is reported to be about 3 mts. Since the mining has taken place during the period 1979 to 1999 in the proposed area, the violation of Decision Rule Set -II may not have any significance in the instant case. This proposal is for an area in which the mining has already taken place and extractable reserves are still available, the REC decided to recommend the proposal to MoEF&CC, New Delhi subject to usual conditions and specific conditions proposed by PCCF. However, this file may be submitted to the Ministry by Regional Office only after the receipt of FRA compliance certificate from State Government in the proper format and fresh enumeration of trees in the proposed area of mining and area earmarked for biodiversity.

Agenda No.3: Request for modification of certain conditions stipulated in the approval for diversion of 11.31 ha. of forest land in Kageneri and Kanchanakumari RF of Yedakumari village, Sakaleshpura Taluk, Hassan District for establishment of Mini Hydel Project in favour of M/s Maruthi Power-Gen (India) Private Limited, Bangalore.

REC noted the following facts of the proposal:-

1. The Government of Karnataka vide letter No.FEE 74 FLL 2013 dated 21.02.2014 has forwarded a proposal for diversion of 10.6897 ha of forest land in Kageneri and Kanchanakumari RF of Yedakumari village, Sakaleshpura Taluk, Hassan District for establishment of 18.90 MW Hongadahalla Mini Hydel Project in favour of M/s Maruthi Power-Gen (India) Private Limited, Bangalore.
2. Earlier, the Govt. of Karnataka in the year 2008 had submitted the following two proposals under Forest (Conservation) Act, 1980:

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- i) Diversion of 4.18 ha. of forest land in Kagenari and Kanchanakumari RF in Sy.No.1 and 16 of Yadakumari Village, Sakleshpura Taluk, Hassan District for establishment of 18.90 MW Hongadahalla Mini Hydel Project in favour of M/s Maruthi Power-Gen (India) Private Limited, Bangalore.
- ii) Diversion of 4.20 ha. of forest land in Kagenari and Kanchanakumari RF in Sy.No.1 and 16 of Yadakumari Village, Sakleshpura Taluk, Hassan District for establishment of 19.00 MW Yadakumari Mini Hydel Project in favour of M/s Maruthi Power-Gen (India) Private Limited, Bangalore.

These proposals were recommended by the Karnataka Forest Department as well as the State Government of Karnataka for diversion of forest land under the Forest (Conservation) Act, 1980. These proposals were approved under Forest (Conservation) Act, 1980 vide Regional Office letters No.4-KRB499/2008-BAN/4132 dated the 26th March, 2009 and No.4-KRB500/2008-BAN/4133 dated the 26th March, 2009.

- 3. While the project was under implementation, a Writ Petition No.9333/2009 was filed in the Hon'ble High Court of Karnataka by the Western Ghats Environmental Forum against Union of India (MoEF) and 14 Others, seeking direction to the respondents not to establish any power projects in the Western Ghats in the State of Karnataka, particularly North Kanara District detrimental to the rich bio-diversity of this area. In the said petition, the complainant- Shri Prashanth Gururaj Yavagal got impleaded as Respondent No.16 and M/s. Maruthi Power Gen India Private Limited as Respondent No.17. The Hon'ble High Court has deliberated at length all the issues raised by the complainant and passed its final orders in Writ Petition No.9333/2009, dated 27.02.2013. While disposing the said petition, based on the undertaking submitted by M/s Maruthi Power-Gen India Private Limited, it has been *inter alia* ordered that, with respect to the proposal of Respondent No.17 (M/s Maruthi Power-Gen India Private Limited), the State Government is directed to submit the proposal in proper form within a week and the MoEF was directed to consider the same and pass appropriate orders in accordance with law, within four weeks from the date of receipt of the proposal from the State Government.
- 4. The implication on the order of the High Court is that, in place of two projects approved in favour of M/s Maruthi Gen India Private Limited, only one of the projects with a power generation capacity of 18.9 MW, namely the Hongadahalla Mini Hydel Project (MHP) will be implemented and the approval to Yadakumari MHP stands withdrawn. There was a commitment made by the Counsel appearing for the State Government as well as the Central Government, that there may not be any objection to continuing with the one project.
- 5. Consequent to this order, the State Government had recommended the revised proposal for diversion of 10.6897 ha. of forest land in favour of M/s. Maruthi Gen India Private Limited for setting up the Hongadahalla MHP with 18.90 MW of power generation capacity.
- 6. The proposal was placed before the State Advisory Committee (SAG) meeting held on 28/04/2014. SAG noted that the actual area required for continuing this project has been re-assessed and it has been arrived at 11.31 ha. on actual use basis. SAG after detailed deliberations, recommended the proposal to the Ministry (MoEF&CC, New Delhi) for diversion 11.31 ha. of forest land under Forest (Conservation) Act, 1980 for setting up of

18.9 MW Hongadahalla Mini Hydrel Project, with special conditions to safeguard the environmental concerns, for consideration under the Forest (Conservation) Act, 1980. With the approval of the Ministry, the Regional Office, Bangalore of the MoEF&CC had issued Stage I approval for diversion of forest land for the said project as per vide letter dated 01/09/2014.

- 7. After receipt of compliance report from State Government, Stage -II approval was accorded by RO, Bangalore vide letter dated 20/04/2015 subject to usual conditions and following specific conditions:-
 - i. Period of diversion is for 20 years from the date of original transfer of part of this land considering the fact that the project area is cleared and broken and substantial progress has been achieved in the execution of the work.
 - ii. The User Agency agrees to operate the power generation operation only from June to January season of the year and water be allowed to flow its natural course during the rest of the months (February to May).

- 8. The Government of Karnataka vide letter dated 10/05/2016 has forwarded a request of User Agency for modification of certain conditions stipulated in the Forest Clearance viz., lease period, capacity of power generation of the project and period of power generation. The User Agency in their representation has *inter-alia* stated the following:-
 - i. The lease granted in the year 2009 to operate the project was for 30 years. However, while granting approval for the modified proposal, they have been permitted to construct and operate the project for a period of 20 years only. The User Agency has requested to grant 30 years lease period to operate the project as approved in the year 2009.
 - ii. The State Energy Department vide order dated 19/10/2010 had accorded approval to enhance the capacity of the power generation from 18.9 MW to 24 MW. The User Agency has requested to accord necessary amendment to enhance the power generation from 18.9 MW to 24 MW.
 - iii. As per condition No.7 of the approval, the User Agency was allowed to generate power from June to January season of the year. The User Agency has stated that heavy flow of water is noticed in the river stream during the period February to May and requested to permit them to generate power during the period of February to May also.

- 9. Regional office, after examination of the request of user agency, recommended to Ministry that the grant of lease period of 20 years may be considered from the date of issue of Government order approving the modified proposal as the request is reasonable and genuine and also they may be allowed to enhance the capacity of power generation from 18.9 MW to 24 MW without affecting the flow of water in the downstream. However, the request of user agency for extending the power generation for the period of February to May was not recommended as it was stipulated to ensure ecological flow of water during the summer months.

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Recommendations of REC:-

REC examined the proposal and noted that as per the report made available, a minimum of 10 cum per sec water flow in the stream is available for about 120 days, whereas User Agency will be requiring 3 cum per sec for running 1 turbine and hence, 9 cum per sec will be sufficient to run 3 turbines. It is also clarified that there will be no change in the land use pattern in the extent of land diverted due to the enhancement in power generation capacity from 18.90 MW to 24 MW. Therefore, REC decided to recommend to MoEF&CC, New Delhi for grant of lease period of 20 years from the date of issue of Stage -II approval for the modified proposal i.e from 20/04/2015 and also to enhance the capacity of power generation from 18.9 MW to 24 MW without affecting flow of water in the downstream. With regard to the request of User Agency for extending the power generation for the period of February to May also, REC noted that the User agency has not furnished any Hydrological data to justify the request and therefore, decided not to recommend power generation during February to May.

Agenda No.4: Diversion of 595.64 ha. of forest land in Karwar, Yellapura & Dharwad Division for construction of New Broad Gauge Railway Line of of Hubballi-Ankola in favour of the Deputy Chief Engineer, Construction-I, South Western Railway, Club Road, Keshwapur, Hubballi.

REC noted the following facts of the proposal:-

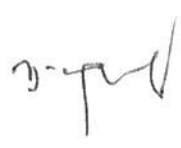
This proposal was discussed in the REC held on 05/05/2017 and 10/07/2017. The facts and other details of the proposal are recorded in the minutes of the Meeting held on 05/05/2017 and 10/07/2017 which are reproduced as below.

1. The Government of Karnataka vide their letter No.FEE 237 FGL 2002 dated 29.11.2003 had forwarded a proposal to MoEF&CC, New Delhi for diversion of 965 ha. of forest land for construction of Hubli-Ankola new Railway line in favour of South Western Railways. While forwarding the site inspection report, the Regional Office had not recommended the proposal as the project will destroy prime forest of western ghat region. Based on the recommendations of the Forest Advisory Committee, the MoEF&CC, New Delhi vide letter No.8-134/03-FC dated 11.06.2004 also rejected the proposal on merit.
2. Subsequently, the Ministry directed the user agency to critically revise the proposal in consultation with CCF (Central), Bangalore and try to reduce the requirement of area and submit a revised proposal for construction of railway line from Hubli to Kalghatagi.
3. Though certain revised proposals have been submitted by the User Agency, the same was not considered for approval.
4. Meanwhile, an Application No.952 of 2006 was filed before the Central Empowered Committee (CEC) by Parisara Samrakshana Kendra and Wilderness Club against the diversion of forest land falling in the Ecologically Sensitive Western Ghats in the State of Karnataka for laying the new 168.289 KM Broad gauge Railway Line from Hubli to Ankola. The CEC after site inspection of the area had filed a report before the Hon'ble Supreme Court. In the said report, CEC had taken a view that it may be appropriate that



the Hon'ble Supreme Court may consider directing the MoEF&CC not to consider/approve the proposal for the diversion of 965 ha. of forest land (subsequently revised to 720 ha. and then to 667 ha) falling in Dharwad, Yellapur and Karwar Forest Divisions in the State of Karnataka for construction of the new Hubli-Ankola Broad Gauge railway line and which was earlier rejected on merit by the MoEF&CC on 10/11.06.2004. However, considering that (a) the track between Hubli-Kalaghatgi in Dharwad Forest Division involves diversion of 5.015 ha. of forest land lying on the fringe of the forest and that as per the Contingent Plan prepared by the railways the project is viable even by commissioning in stages and that the proposal sent by the State Government to the MoEF&CC seeking approval under the Forest (Conservation) Act, 1980 for the diversion of the said forest land has been recommended by the Regional Office of the MoEF&CC the CEC is also of the view that the MoEF&CC may be granted liberty to take a decision on merit on the said proposal provided the Ministry of Railways confirms that the construction of the above said portion of the railway line is commercially viable even if the diversion of the forest land for the balance portion of the Hubli-Ankola railway line is not permitted.

5. This case was subsequently transferred to the National Green Tribunal (NGT), Principal Bench, New Delhi as per the orders of Hon'ble Supreme Court. The Hon'ble NGT after considering the report of CEC, vide order dated 10/02/2016 has disposed of the Application with liberty to the project proponent to move the State Government by submitting an appropriate proposal for diversion of forest land for this project. The Hon'ble NGT has also directed that if such Application is moved, the State Government shall deal with it expeditiously and they would seek prior approval of MoEF&CC in accordance with law and then depending upon the approval granted by MoEF&CC, the State Government in its own right, would issue an appropriate order under Section-2 of the Forest (Conservation) Act, 1980. The orders so passed by the State Government shall operate for period of four weeks and shall be immediately put on the website in accordance with the rules. If there is a challenge to the order granting permission for diversion of forest land for non forest activity in favor of Project Proponent, the record of this file shall be tagged to that Application.
6. Accordingly, State Government vide letter No.FEE 91 FLL 2016 dated 24/10/2016 had submitted a proposal for diversion of 595.64 ha. of forest land in Karwar, Yellapura & Dharwad Division for construction of New Broad Gauge Railway Line of Hubballi Ankola in favour of the Deputy Chief Engineer, Construction-I, South Western Railway, Club Road, Keshwapur, Hubballi.
7. The State Government vide their letter dated 15.04.2017 has furnished the RoFR compliance certificates from the concerned Deputy Commissioners.
8. The DSS analysis of the proposal was done and the area to be diverted was found as "not inviolate".
9. Regional office, Bangalore vide OM No. 4-KRA 1101/2016-BAN/2293 dated 19/04/2017 had constituted a Committee comprising of Dr.C.D Dyavaiah, IFS (Retired), Dr. Avinash. M. Kanfode, CF(C) and Shri. Ashok. B. Basarkod, CCF, Canara Circle to carry out the site inspection of the proposed area. The site inspection of the area has been carried out by the Committee from 22/04/2017 to 24/04/2017 and submitted the report. Among inter-alia, the Committee observed as below:-



- i. The number of trees proposed to be felled as per the proposal submitted is 2,02,450, which is based on sample enumeration done during 2016 in Yellapur and Karwar divisions as per the information provided. In Dharwad division the tree enumeration was done during 2005. Therefore, there is a need for complete enumeration in all the three Forest divisions to know the exact number and composition of trees proposed to be felled.
- ii. The number of trees proposed to be felled is very high, therefore the Committee is of the opinion that Environmental Impact Assessment for the proposed project should be conducted.
- iii. The user agency has not fixed pillars on many places especially on the realigned sites and on old alignment the pillars which were fixed are not present now in some places.
- iv. The user agency has proposed to construct 34 tunnels and 9 railway stations. The detailed land use plan of the railway stations have not been provided by the user agency. Additional forest area may be required for approach road to the station, as many of them are proposed on the forest land.
- v. The length of the single railway track is 1.68 meters, however, the requirement of width of the land is minimum 10 meters as per the information provided. The user agency could not provide the proper justification for requirement of such higher width.
- vi. The forests in Yellapur and Karwar division is very dense forest and is part of Western Ghats, which is going to be completely disturbed if the project is approved due to movement of heavy machinery and transportation of the materials.
- vii. The railway track was initially proposed for transportation of iron and manganese ore which at present is not justified. As of now, not many trucks were seen plying on the NH 63, which runs almost parallel to the proposed railway track. That means, the capacity of the existing road is not fully utilized.
- viii. The proposed project falls in the land between Kadra, Kodsalli, Supa dams, Kaiga Atomic Power Project area and Gangavali river. The existing local and spill out wildlife population of Dandeli Wildlife Sanctuary and Kali Tiger Reserve are dependent on this piece of land and the water source of Kadra, Kodsalli, Supa dams on one side and Gangavali river on the other side. The implementation of the project will cause fragmentation of the forest, making the existing wildlife highly vulnerable to the vehicular movement and local poachers. Especially during the implementation of the project, due to movement of heavy machinery and labour force, the survival of the wildlife is in question.
- ix. If the User Agency is very particular of this project, they should go for tunneling from Kalaghatgi to Navalgadde village of Ankola range. At every station proposed, since people and vehicles have to approach the station, there should be proper barricading, so that villagers do not get into the forest and make use of this existing approach road for illicit activities. Apart from this, the approach track has to be provided with a vehicle and 3 sets of patrolling staff with a weapon. The patrolling party comprising of a Deputy Ranger, 3 Forest Guards, 4 Forest Watchers and a

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driver with a weapon. The whole cost of the vehicle, their maintenance and the salary of the patrolling party should be borne by the User Agency.

After due deliberation, the REC decided to seek the following from the State Government /User agency.

- **Objectives of the project:** The current objectives for proposing the railway line was asked to be spelt out clearly for examining the project on similar lines as the set objectives.
 - **Cost benefits analysis:** A detailed cost benefit analysis is required which also should include the cost involved in transport through alternate routes and also by alternate modes of transport.
 - **Enumeration of trees:** The Committee which has gone for Site Inspection observed that in Dharwad division, the tree enumeration was done during 2005 and it requires fresh enumeration for ascertaining the number of tree species, its girth class and species composition. Re-enumeration is also required to be done in respect of forest areas proposed in Karwar and Yellapur divisions as the sampling intensity is poor as per that enumeration. A stratified random sampling in different forest types and densities is suggested with GPS reading of the plot centre.
 - **Compensatory Afforestation:** The State Government should firm up their stand whether they prefer unbroken revenue lands of Kudremukh project which are surrendered to Government (about 2,500 acres) or same degraded forest land for taking up CA.
 - **Comments on Site inspection report by the user agency:** The user agency is requested to give their detailed comments on various issues raised by the Committee during site inspection of the project area.
 - **Detailed presentation of the project:** The User agency is required to make power point presentation on the various aspects of project before REC during next meeting covering technical, financial, ecological and hydrological aspects.
10. The REC was further held on 10/07/2017 at the Regional office, MoEF&CC, Bangalore to deliberate the project proposal and information furnished by the user agency and Karnataka Forest Department in response to the decision taken on 05/05/2017 by REC. After detailed deliberations, the REC decides to recommend the project subject to the following conditions:-
- a) The user agency to strive for increasing the number of tunnels (from suggested 25) and viaducts.
 - b) User agency should revise mitigation plan in consultation with the Forest Department including more number of under passes.
 - c) It is seen that the alignment passes through Bedthi Conservation Reserve, Hornbill Conservation Reserve, overlapping Buffer Zone area of Anshi-Dandeli Tiger Reserve and Elephant Corridors. User agency should submit appropriate proposal for consideration by the **Standing Committee of National Board of Wildlife**.

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- d) Hard copies of the enumeration list of trees to be felled to contain species-wise, girth-wise details which shall be submitted by the Karnataka Forest Department.
- e) The Compensatory Afforestation scheme to be prepared in detail clearly mentioning the degraded area or other revenue land surrendered by Kudremukh Project (during the meeting, it is noted that State Government was in the process of getting those lands for CA at the earliest).

Upon fulfillment of above conditions the REC recommends to the Regional office to issue Stage -I clearance subject to usual conditions to be stipulated as per the norms.

- 11. Accordingly, State Government has been requested vide letter dated 11/07/2017 to take necessary action to comply with the conditions stipulated by the REC and report to Regional office for further action in the matter.
- 12. Government of Karnataka vide letter dated 17.08.2017 has furnished a reply to RO, Bangalore letters dated 11/07/2017. As per the details furnished by State Government:-

- The proposed alignment does not pass through Bedthi Conservation Reserve, Hornbill Conservation Reserve and the core buffer zone of the Dandeli-Anshi (Kali) Tiger Reserve. It is also reported that, the proposed alignment passes through the default eco-sensitive zone of 10 kms at certain places of Kali Tiger Reserve.
- The user agency in their letter dated 26.07.2017, mentioned that, it is now proposed to provide additional 6 number of tunnels for a length of 1.25 km and thus the total number of tunnels will be 31 for an overall length of 26.675 kms (as against 25 tunnels with 25.425 kms proposed earlier). Regarding increasing the via-ducts, the user agency has stated that there is little scope to increase the via-ducts based on the topography and terrain and however, this will be kept in view during the execution of the work to see if any via-ducts can be increased to some degree.
- Regarding revision of mitigation plan, user agency has reported that a Joint meeting was held on 20.07.2017 between Railway officers and the CCF, Canara Circle and it was suggested to provide additional 9 number of canopy bridges and 4 no. of underpasses for safe movement of wildlife and these additional structures are agreeable to Railways.
- The State Government has forwarded Compensatory afforestation Scheme.
- The enumeration list is furnished indicating the species-wise list of trees to be felled.
- However, the State Government has not intimated the progress as to whether they have applied to the Standing Committee of NBWL or not.

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Recommendations of REC:-

REC has deliberated in detail about the clarifications submitted by the State Government. However, it is seen that the user agency has already submitted proposal under Wildlife clearance portal to the Ministry of Environment, Forests and Climate Change. The same may be pursued by the State Government and further developments in the said application to be intimated to the Regional Office within 3 months period. The REC opined that as the project is located in the Western Ghats Region, an important biodiversity hotspot, a critical appraisal of the project from the wildlife conservation prospective needs to be done.

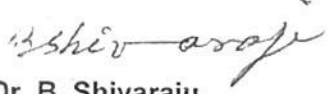
The meeting concluded with a vote of thanks to the Chair and Members.



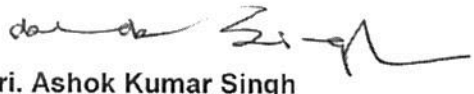
Dr. M.R.G. Reddy,
Addl. P.C.C.F. (Central)
(Chairman)



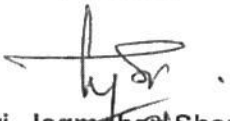
Shri. Suhas Jagannath Godse
(Member)



Dr. B. Shivaraju
(Member)



Shri. Ashok Kumar Singh
(Member)



Shri. Jagmohan Sharma,
A.P.C.C.F & Nodal Officer (FCA)
Forests Department, Govt. of
Karnataka, (Special Invitee)



Dr. Avinash M. Kanfode,
C.F. (Central)
(Member)



Smt. R. Padmawathe,
D.C.F. (Central)
(Member-Secretary)

Annexure-1

List of members who participated in the Twentieth meeting of Regional Empowered Committee of Regional Office (SZ), Bangalore held on 29/08/2017 in the office of the ADDL, P.C.C.F. (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Kendriya Sadan, Koramangala, Bangalore

<u>Sl.No.</u>	<u>Name, Designation & Address</u>		
(1)	Dr. M.R.G. Reddy, I.F.S. Addl. P.C.C.F. (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bangalore	---	Chairman
(2)	Shri Suhas Jagannath Godse, House No.525 A, Vodlem Bhat, Near Pandurang Temple, Vodle Bhat, Taleigao, P.O. Caranzalem, Tiswadi, Goa.	---	Member
(3)	Dr. B. Shivaraju, No.4, 5 th Main, 9 th Cross, Radhakrishna Layout, Padmanabhanagar, Bangalore- 560 070, Karnataka	---	Member
(4)	Shri Ashok Kumar Singh, House No.44, 5 th B Cross, 16 th Main, B.T.M. Layout, 2 nd Stage, Bangalore – 560 076.	--	Member
(5)	Shri. Jagmohan Sharma, I.F.S Additional Principal Chief Conservator of Forests /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18 th Cross, Malleswaram, Bangalore – 560 003	---	Special Invitee
(6)	Dr. Avinash M. Kanfode, I.F.S Conservator of Forests (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bangalore	---	Member
(7)	Smt. R. Padmawathe, I.F.S Deputy Conservator of Forests (Central) Ministry of Environment, Forests and Climate Change, Regional Office (Southern Zone), Bangalore	---	Member Secretary

SITE APPRAISAL REPORT ON DIVERSION OF 595.64 HA OF FORESTLAND IN KARWAR, YELLAPURA AND DHARWAD DIVISION FOR THE CONSTRUCTION OF NEW BROAD GAUGE LINE OF HUBBALLI - ANKOLA.

BACKGROUND OF THE PROJECT

In the year 1997-98, the Ministry of Railways (MoR) had sanctioned the construction of new broad gauge line between Hubballi (Dharwad district) and Ankola (Uttara Kannada district) in Karnataka. The total length of proposed broad gauge line is 168.289 km and connects with the Konkan railway of the west coast. The estimates for the initial stretch of 50 km track (from Hubballi to Kalaghatagi) was sanctioned by MoR in 1990 and activities like land acquisition was started. For sharing the cost of project on 50:50 basis, a Memorandum of Understanding (MoU) was signed between MoR and Karnataka Rail Infrastructure Development Enterprise (KRIDE), a Government of Karnataka agency.

The initial requirement of land for the proposed line was 1384.40 ha comprising of 965 ha of Reserve Forest (RF) land of Dharwad Forest Division (Dharwad district) and Karwar and Yellapur Forest Divisions (Uttar Kannada district), 173 ha of wetland, 221 ha of dryland and 25.4 ha of miscellaneous land. Approximately 105.179 km of the track is in the plains and remaining 63.110 km from Yellapur to Sunskal is in the hilly / ghat section.

The alignment involves 79 km in embankment, 68.73 km in cutting and 21.88 km in tunnels. A total of 329 bridges (50 major and 279 minor) and 25 tunnels (longest tunnel length 3.53 km) have been proposed for construction. There will be 12 railway stations and 565 staff quarters will be constructed in these stations. The total project cost in the beginning was Rs 1153.08 crore which has been revised to Rs 2,315.384 crores. The latest revised proposal involves diversion of 595.64 ha of forest land in Karwar (249.58 ha), Yellapur (304.06 ha) and Dharwad (42 ha) forest divisions.

As per the earlier project documents, the main purpose for proposing a new broad gauge line was primarily for transportation of iron ore from Bellary – Hospet region to Karwar port. In the late 90s, it was estimated that the iron ore transportation from Bellary-Hospet sector to proposed new ports at Tadri (near Ankola) on the western coast of Karnataka will be approximately 16 million tonnes per annum as against the established capacity of 6 million tonnes per annum. Against the 6 million ton capacity, only 3 million ton was transported in the existing broad gauge track between Londa - Vasco.

PROJECT AREA

The proposed broad gauge line between Hubballi – Ankola passes through the Western Ghats, one of the oldest mountain chains of India, which has been declared as a world heritage site by

the UNESCO. The Western Ghats are unique in terms of their geomorphological features and are known for high degree endemism, biological diversity and ecological processes that influence the monsoon. The entire catchment of Western Ghats is known to provide water security to the peninsular India.

The main vegetation types observed along the proposed broad gauge line alignment are: Evergreen to semi evergreen forests, moist deciduous forests, moist deciduous mixed with teak, dry deciduous forests, dry deciduous mixed with teak, scrub savanna, grasslands, swamps and monoculture plantations.

Between Hubballi to Kalghatgi, the terrain is mostly flat with gentle undulations. In this stretch, grasslands, scrubs, bamboo areas interspersed with trees and monocultures of teak, eucalyptus and acacia. The elevation in this stretch varies from 600-680 MSL and rainfall is 700-750 mm. In the agricultural areas, crops like rice, jowar, cotton, legumes, sunflower and vegetation are cultivated.

From Kalghatgi towards Kirwatti, the forest is dry deciduous type with dominant tree species are teak, *Terminalia tomentosa*, *Terminalia paniculata*, *Dalbergia latifolia*, and *Adina cordifolia*.

Moist deciduous forests are predominant in Kirwatti – Yellapur zone with a rainfall of more than 1200 mm and exceeds 1800 mm in around Yellapur. In this high rainfall area, mostly semi-evergreen forest is observed. Some of the important tree species found in this zone are: *Tectona grandis*, *Terminalia paniculata*, *Xylia xylocarpa*, *Lagerstroemia microcarpa*, *Terminalia tomentosa*, *Adina cordifolia*, *Lannea coromandelica*, *Caryea arborea*.

Forest area between Yellapur to Sunskal is having rugged terrain with alternating hills and valleys. The elevation varies from 150 m to 450 m above MSL and receives heavy rainfall in the range of 1800-2500 mm. Endemic species like *Myristica malabarica*, *Polyalthia fragrans*, *Cinnamomum macrocarpum*, *Holigarna grahami*, *H. arnottiana*, *Hopea ponga* are known to occur in evergreen to semi-evergreen forest types of this area. The evergreen forest species observed here are : *Mimusops elengi*, *Mangifera indica*, *Aglaia roxburghiana*, *Olea diocica*, *Lophopetalum wightianum*, *Syzygium gardneri*. Lianas like *Entada pursaetha*, *Calycopteris floribunda*, *Gnetum scandans and canes* (*Calamus sp.*) are a common occurrence in these forests and so are fish tail palm (*Caryota urens*) and talipot palm (*Corypha , umbraculifera*) found mainly in hill slopes.

The area from Sunskal to Ankola is in the foothill zone of Western Ghats, is quite hilly with dominance of secondary moist deciduous to semi-evergreen forests. The elevation is in the range of 18 – 150 MSL and receives rainfall anywhere between 2500 to 3800 mm. The main species that are deciduous in nature are *Xylia xylocarpa*, *Terminalia paniculata*, *Schleichera oleosa*, *Grewia tilifolia*, *Careya arborea*, *Dillenia pentagyna etc.* The coastal forests have deciduous

species like *Buchanania lanzan*, *S. oleosa*, *T. paniculata*, *T. tomentosa*, *L. microcarpa*, *C. arborea*, *X. tomentosa*, *Strychnos nux-vomica* etc.

The faunal diversity of the Western Ghats is wide ranging as it supports 137 species mammals, 508 bird species, 157 reptile species, 218 species of fish and 126 species of amphibians. Many of the species found in the Western Ghats display high degree of endemism with highest percentage is that of amphibians followed by reptiles (14 %), fishes (53%), mammals (12%) and birds (4%).

Some of mammalian species observed in the project area are: tiger, leopard, sloth bear, gaur, sambar, chital, mouse deer, common giant flying squirrel, malayan giant squirrel, Indian gaint squirrel, striped hyena, jackal, common wolf, Indian fox, Indian porcupine, common mongoose, small Indian mongoose, hare, common langur, Indian pangolin, wild pig, four horned antelope, black buck, toddy cat, jungle cat, bonnet macaque, golden cat, leopard cat and small Indian civet.

FIELD VISIT

The IGF, NTCA, Regional office, Bengaluru was directed by the National Tiger Conservation Authority to cause site appraisal and evaluate the proposed diversion area vis-a-vis tiger distribution, its dispersal and suggest mitigation measures and their feasibility, if any [Reference-NTCA letter F.No. 7-58/2017-NTCA Dated 5th December, 2017]. Accordingly, a field visit was made on 23rd February, 2018 by the undersigned to Kali Tiger Reserve, Yellapur and Karwar forest divisions for site appraisal. A copy of NTCA letter is enclosed as **Annexure II**.

Table 1. Details of team members present during the field visit.

Team Members	Designation
Shri P S Somashekar	Inspector General of Forest, NTCA, Regional office, Bengaluru
Shri O Palaih	Field Director, Kali Tiger Reserve
Shri Rama Subbaih	Deputy Chief Engineer (Construction), South Western Railway
Shri Raju Naik	Junior Engineer (Construction), South Western Railway
Shri Yatish Kumar	DCF, Yellapur Division
Shri Ganapati	DCF, Karwar Division
Shri Rajendra Garawad	Assistant Inspector General of Forests, NTCA, Bengaluru Regional Office
Shri Ashok Bhat	ACF, Yellapur Division
Shri Prashant	ACF, Manchikere
Shri Balasubramanyam	RFO, Yellapur Division
Shri Himavathi	RFO, Idugundi

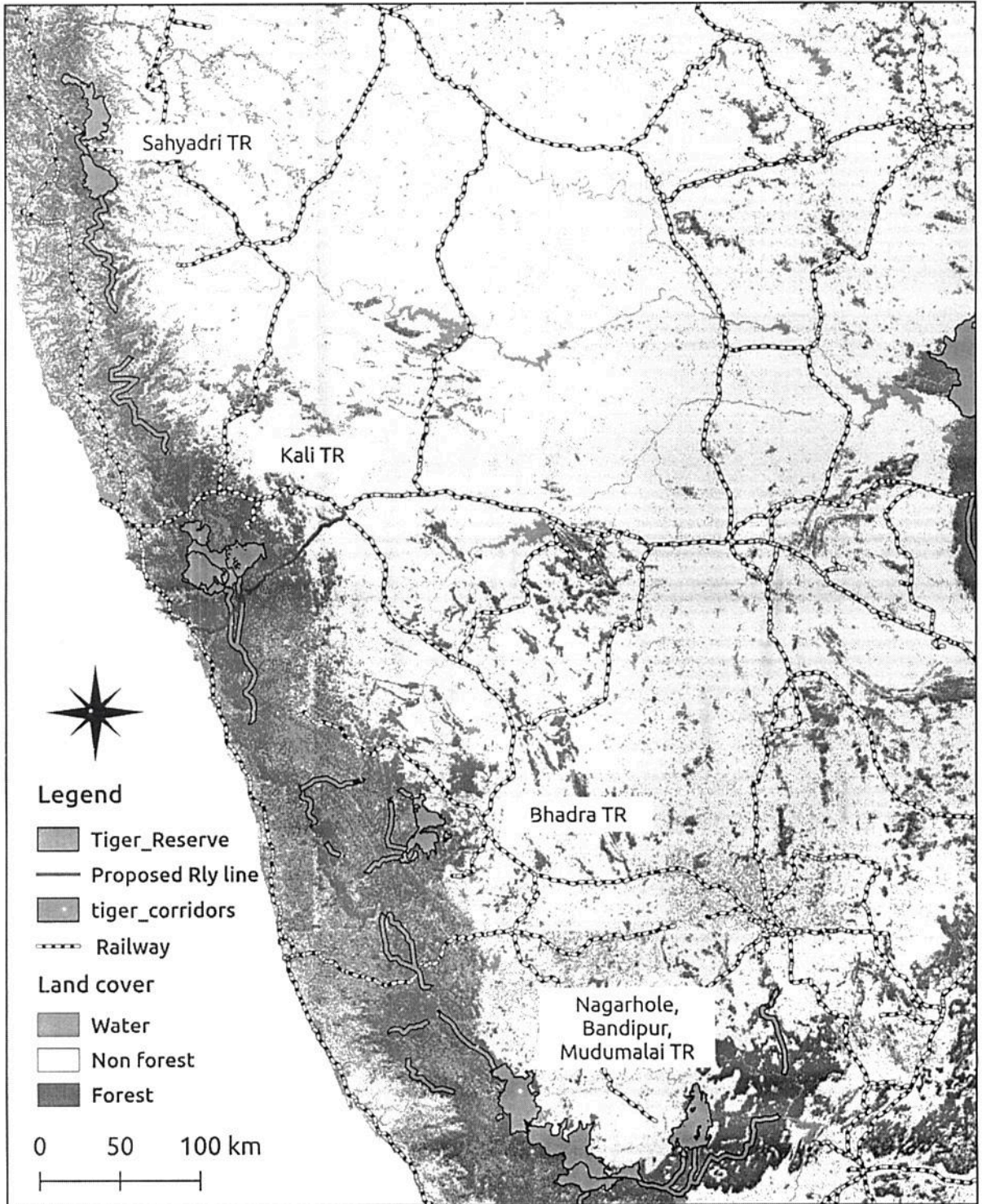


Figure 1. Location of proposed broad gauge railway line between Hubballi and Ankola.

OBSERVATIONS

1. As per the latest report of Forest Survey of India, 2017, the Uttara Kannada district of Karnataka has a geographical area of 10,277 sq km and the forest area is 8,118 sq km (which is 79 % of the geographical area). The district is also known to be rich in wildlife comprising species such as tiger, leopard, Indian elephant, sloth bear, wild pig, Indian gaur, sambar and several other species.
2. The report of PCCF, Karnataka, has highlighted that the proposed broad gauge line will bifurcate the Uttara Kannda district into two halves and disrupts wildlife movement. It highlights that the Uttara Kannda district has one of the highest forest cover in the entire southern India and as such emphasis should be more on forest conservation.
3. The proposed railway line between Hubballi – Ankola will involve diversion of 595.4 ha of forest land and felling of more than 1.5 lakh trees. The proposed project is located at a distance of 5.5 km (approx) from the southern boundary of Kali Tiger Reserve.
4. Back in 2004 itself, the Regional CCF (Central), MoEF after the site inspection had recommended for rejection of proposal by considering the following points:
 - The new track was meant for transporting mainly the iron ore from Bellary to upcoming ports of Tadri and Karwar.
 - Construction of railway line will be a tragedy on the prime forest of Western Ghats, a biodiversity hotspot.
 - The project will have adverse impact on the hydrological system of major river and irreversible impact on fragile ecosystem of Western Ghats.
 - No amount of mitigation measures will be in a position to compensate the huge cost of ecological damage imposed on the Western Ghats by this project.

A copy of Regional CCF, MoEFF is enclosed as **Annexure III**.

5. Considering the recommendation of Regional CCF (Central), the Forest Advisory Committee (FAC) also rejected the proposal with the observation that the difference between existing Hubli-Vasco line (230 km) and proposed line (212 km) is mere 18 km. Moreover, the line is meant for transportation of iron ore and there will be hardly any passenger traffic. Therefore, the beautiful forests of ecologically fragile Western Ghats should be not be sacrificed.
6. Quoting the observations of Regional CCF (Central) and FAC, the Ministry of Environment and Forest also rejected the proposal on merit. A copy of MoEF&CC letter is enclosed as **Annexure IV**.

7. The Western Ghats landscape contains several protected areas including tiger reserves. The Sahyadri Tiger Reserve is located in the north followed by Kali, Bhadra, Nagarhole, Bandipur and Mudumalai Tiger Reserves as one moves towards south (**Figure 1**). The aerial distance between Sahyadri & Kali Tiger Reserve, Kali & Bhadra Tiger Reserve and Bhadra & Nagarhole Tiger Reserve is approximately 207 km, 172 km and 137 km respectively. The proposed railway line will come up in the intervening area between Kali and Bhadra Tiger Reserve.
8. For understanding the tiger distribution vis-a-vis proposed rail line, we used the tiger occupancy grid data created by Wildlife Institute of India (WII) by using the data of All India Tiger Monitoring Exercise (AITME) of 2006, 2010 and 2014 in GIS domain. We also used the tiger corridor atlas prepared by WII based on AITME data to ascertain the location of proposed railway line with respect to delineated tiger corridors. The details related to data and procedures followed for creation of tiger occupancy grids and tiger corridors are in given in the technical reports mentioned under the reference section of this site appraisal report.
9. Various layers such as tiger reserves, existing railway network, tiger corridors and proposed railway line alignment etc were imported in GIS domain for further analysis. Results of GIS analysis suggest that there is spatial variation of tiger occupancy along the proposed railway alignment area across tiger monitoring cycles. The AITME data shows along the proposed railway line alignment the number of tiger occupancy grids was 7 in 2006 and 2010 monitoring cycle and it declined to just 3 grids in 2014 (**Figure 2, 3 & 4**) suggesting that tiger occupancy in the project area is dynamic in nature with spatial and temporal variations.
10. A similar scenario emerges when tiger occupancy in Western Ghats is compared at larger geographical scale (**Figure 5,6 &7**). This fact is highlighted in the report “**Connecting Tiger Populations for long-term conservation**” which states that the tiger populations of Western Ghats are better connected with each other due to conducive habitat matrix for tiger occupancy than the tiger populations of Central India and Shivalik-Gangetic Plains landscape. However, factors like plantations, agriculture, industrial and infrastructure development activities are threatening the existing habitat connectivity in Western Ghats.
11. The said report also highlights that the Western Ghats landscape has the potential to have contiguous tiger occupancy from Dang forests in Gujarat up to the Palakkad gap in Kerala. The source population with high tiger density in this is the Nagarhole – Mudumalai – Waynad population whereas source population with low tiger density to the north of the Palakkad gap are Kudremukh, Bhadra and Kali Tiger Reserve. Presence of few tigers in the forests of Goa and in Sahyadri Tiger Reserve, Maharashtra has been recorded and the narrow forest connectivity of Western Ghat ridge is crucial for persistence of these tigers.

12. Further, analysis in GIS by overlaying of corridors delineated using Least Cost Path analysis with the proposed railway line alignment indicates that the proposed railway line cuts across the optimal corridor and its total length inside the corridor is approximately 17.6 km (Figure 8 & 9). The location where the proposed railway line cuts across the tiger corridor has also been identified as potential bottleneck area having weak links within the least cost pathway corridor (Figure 10). Considering the fact that the proposed railway line not only cuts the delineated corridor but also falls in the critical bottleneck area, we believe that the proposed line has high probability of disrupting the habitat connectivity between Kali Tiger Reserve and Bhadra Tiger Reserve (Figure 1) which will have serious implications for long-term conservation of tigers in the entire Western Ghats landscape.
13. According to forest officials of Yellapur and Dharwad forest divisions, Indian elephants in small herds move out from Kali Tiger Reserve and by crossing National Highway 63 the elephants move towards Yellapur, Mundgod, Hangal and Sirsi taluks. Such movement starts from September which coincides with harvesting of paddy and the herd returns back by February. The proposed railway line project may have serious implications on the seasonal movement of these mega herbivores in the landscape and it may become leading cause of wildlife mortality due to train hits in this region. The Dharwad, Haliyal, Belagavi forest divisions are regularly witnessing wildlife deaths due to train hits. A similar situation may prevail in Yellapur and Karwar divisions also.
14. Mega carnivores like tiger are at the top of food chain and require vast forest areas for survival / sustenance due to their occurrence at fairly low density. Tiger is also at risk of going extinction because of factors like habitat destruction, poaching, retaliatory killing, habitat fragmentation and isolation. Under such circumstances, the species needs to be managed in a meta-population framework by providing habitat connectivity between various populations so that individuals of the species gets an opportunity to disperse, establish territory and reproduce.
15. As smaller populations have higher chances of getting locally extinct, the only way to prevent such instances is by facilitating the habitat connectivity between small populations. The strategies prescribed for ensuring habitat connectivity are first, conserve areas that facilitate movement and second, by restoring areas that acts as impediments because of bottlenecks.
16. The outcome of AITME cycles of 2006, 2010 and 2014 has revealed that among the 6 tiger occupied landscapes of India (*Shivalik Hills & Gangetic plain, Central India and Eastern ghat, Western Ghats landscape complex, North Eastern hills and Brahmaputra flood plains and Sundarban landscape*) there are wide variations between these landscapes in terms of habitat contiguity and connectivity. Among these landscapes, the Western Ghats and North East have been identified as landscapes having best habitat

connectivity and contiguity whereas the Central India and Shivalik-Gangetic landscapes suffer from highest level of habitat fragmentation.


17. Recent research on tiger connectivity in the Central Indian landscape has emphasized that future of survival of wild tigers, which are currently found in small isolated Protected Areas, depends on increasing the tiger numbers in these PAs and in maintaining connectivity between the isolated populations of PAs. The paper observes that while significant efforts have been invested by Government of India and tiger range states of India for increasing tiger numbers in tiger reserves, very few initiatives have been taken ensuring landscape level connectivity between tiger reserves and in understanding how landscape features have been influencing the connectivity (Joshi *et al* 2013).
18. Using maximum likelihood and Bayesian genetic assignment tests Joshi *et al* 2013 concluded that individual tigers in central India landscape dispersed long distances covering more than 690 km. The dispersal distance estimated by Joshi *et al* 2013 is higher than the dispersal distance derived from camera trap studies (200 km), genetic data (200 km) and theoretical model that rely on allometric data (450 km). Although this study pertains to Central Indian landscape but it has high relevance to the Western Ghats landscape given its better habitat connectivity and contiguity in comparison to other landscapes. The aerial distance between Sahyadri Tiger Reserve in the north and Nagarhole-Bandipur-Mudumalai tiger reserve complex is approximately 600 km which is less than the estimated dispersal distance in Central Indian landscape. Theoretically there exists possibility that tigers from high density areas like Nagarhole-Bandipur complex may migrate up to Sahyadri Tiger Reserve provided the Western Ghats landscape remains permeable for tiger movement with good habitat connectivity and contiguity.
19. Already the Western Ghats landscape has been intersected by existing railway line network between Bhadra Tiger Reserve and Nagarhole-Bandipur-Mudumalai tiger reserve complex by Hasan – Mangaluru railway line and between Kali and Sahyadri Tiger Reserve by Dharwad-Londa-Vasco railway line. The proposed railway line passing through the forests of Karwar and Yellapur division will cut across the habitat contiguity between Kali and Sahyadri Tiger Reserve (Figure 1). The existing rail network and the proposed line may exert negative impact cumulatively on the habitat connectivity, contiguity and wildlife mortality in the Western Ghats landscape. This may have repercussions for long-term conservation of tigers and other wildlife in this landscape.
20. Although mitigation measures like underpasses and overpasses have been prescribed for dealing with destructive effects of linear infrastructure projects like railway lines and roads that pass through ecological sensitive areas but the fact is that our understanding of forest ecosystems and wildlife population dynamics is still in the nascent stage and far from being reliable. Moreover, the tiger occupancy in the proposed project area as well as in the Western Ghats landscape (Figure 5, 6 & 7) is dynamic in nature and known to vary both spatially and temporally. In this context, it is opined that the mitigation measures

may not be effective for preventing wildlife mortality by train collision, in ensuring habitat integrity and connectivity at landscape level particularly in the Western Ghats.

- 21. Considering the present status of various tiger landscapes of India, it is felt that in the event the proposed Hubballi – Ankola broad gauge line which which cuts across the Western Ghats forests gets implemented, then due to habitat fragmentation it may be a matter of time that the Western Ghats landscape may also suffer from poor habitat contiguity and connectivity, a fate similar to the one faced by tiger occupying landscapes of Central India and Shivalik-Gangetic Plain.
- 22. Earlier the proposed railway line was justified on the ground that in future the potential traffic for transportation of iron ore from Bellary to Karwar ports will be in the range of 16 million tons annually as against the established capacity of 6 million tons. As per the directions of Hon'ble Supreme Court of India, there has been a drastic reduction in the production of iron ore and hardly any transportation of iron ore in the last few years and the propose rail line may not get any iron ore cargo.
- 23. While economic development is important for the state of Karnataka but it need not happen at a great cost to forest, wildlife of Western Ghats landscape. There is huge scope for utilizing the existing vast network of railways and road for transportation of goods and services from the coastal region to the hinterland. Without conservation of biological diversity of Western Ghats landscape, the economic growth and development of the region will not be sustainable in the long-run.

CONCLUSION

The proposed Hubballi – Ankola broad gauge line passes through Uttara Kannada district which has very high forest cover and cuts across the Western Ghats, a biodiversity hotspot and a world heritage site. It also fragments the old migration path of Indian elephants. Out of the 6 tiger occupied landscape of India, currently the Western Ghats landscape possess best habitat connectivity and contiguity. The tiger occupancy in the Western Ghats landscape is highly dynamic and shows spatial and temporal variation. Further, recent research highlights that future of tigers in India depends on conserving the habitat connectivity between isolated tiger populations of tiger reserves. In view of the aforementioned observation, the proposed railway line will be having significant negative impact on long-term conservation of tigers and other mega herbivores in the Western Ghats landscape by fragmenting existing habitat connectivity and contiguity.

Submitted by

(P S Somashekar)
Inspector General of Forest

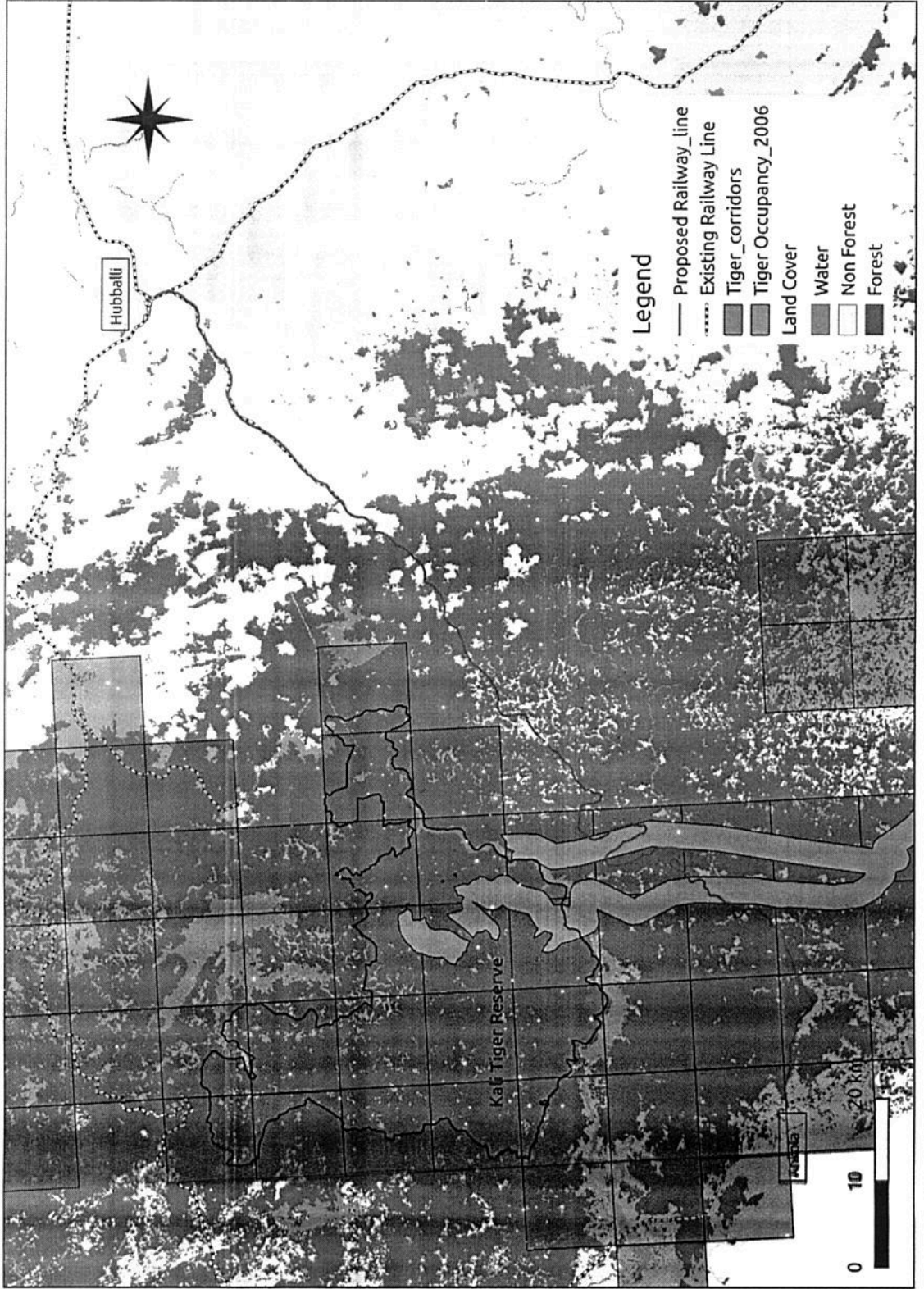


Figure 2. Tiger occupancy grids of 2006 and proposed railway line alignment.

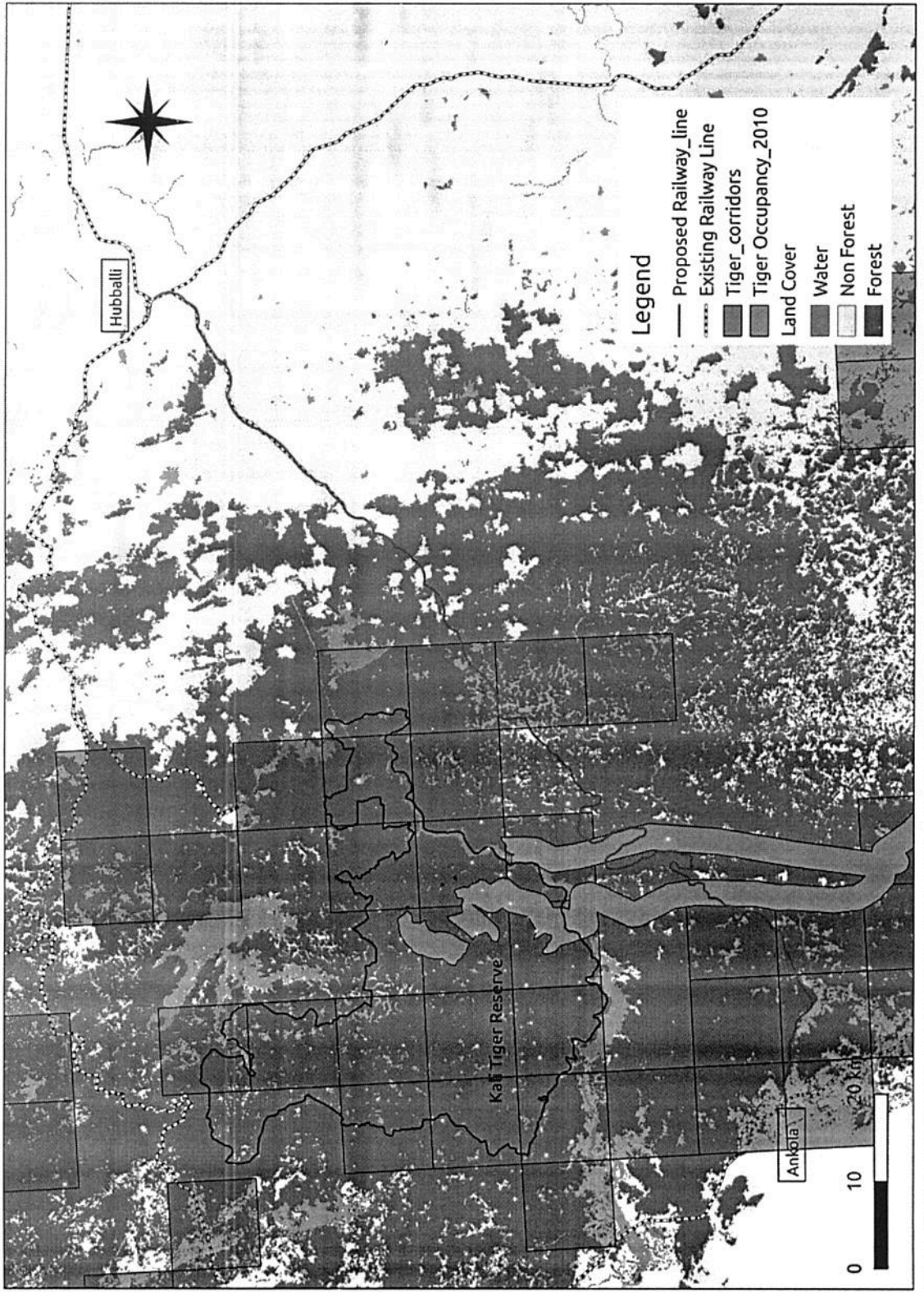


Figure 3. Tiger occupancy grids of 2010 and proposed railway line alignment.

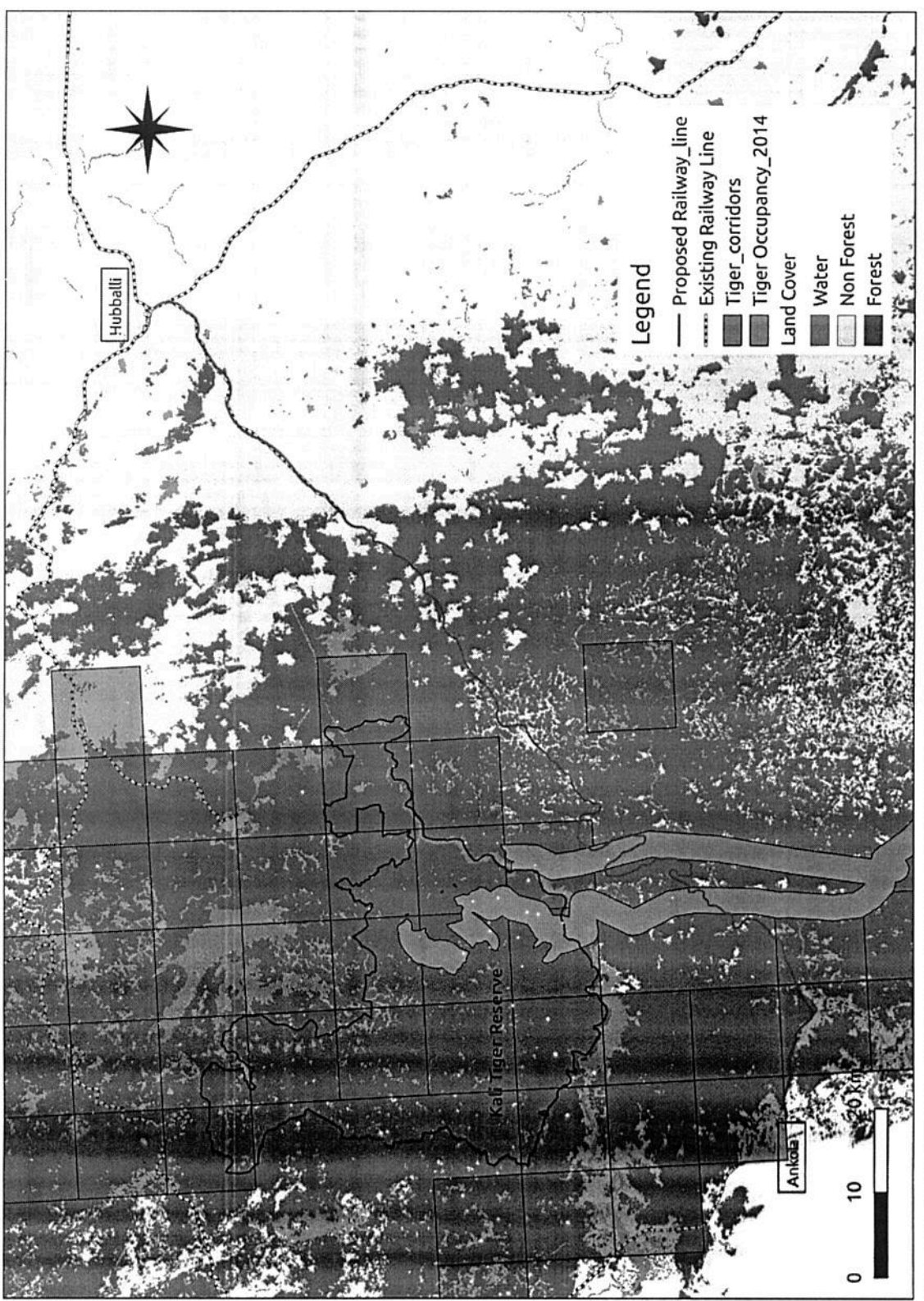


Figure 4. Tiger occupancy grids of 2014 and proposed railway line alignment.

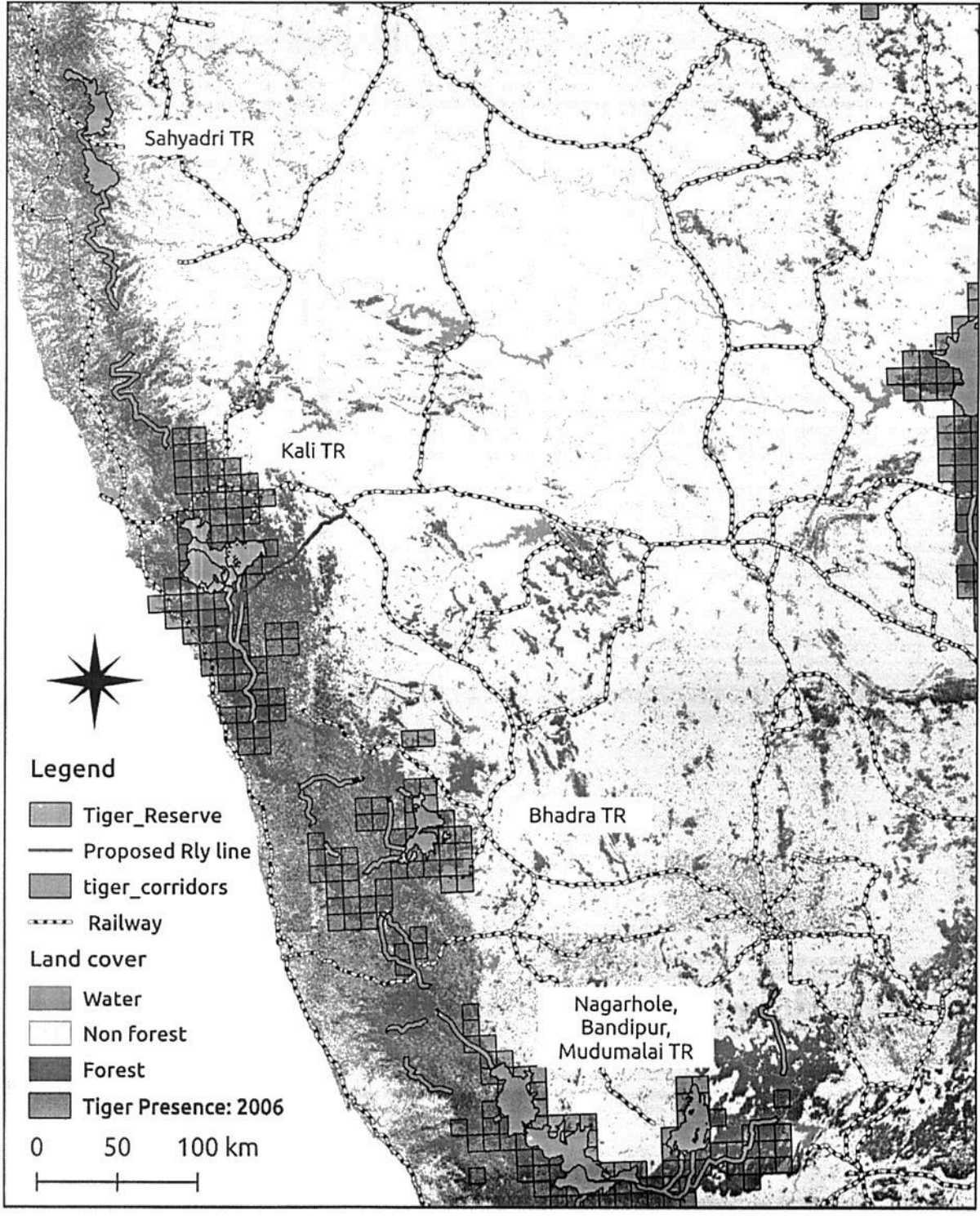


Figure 5. Tiger occupancy in Western Ghats landscape in 2006.

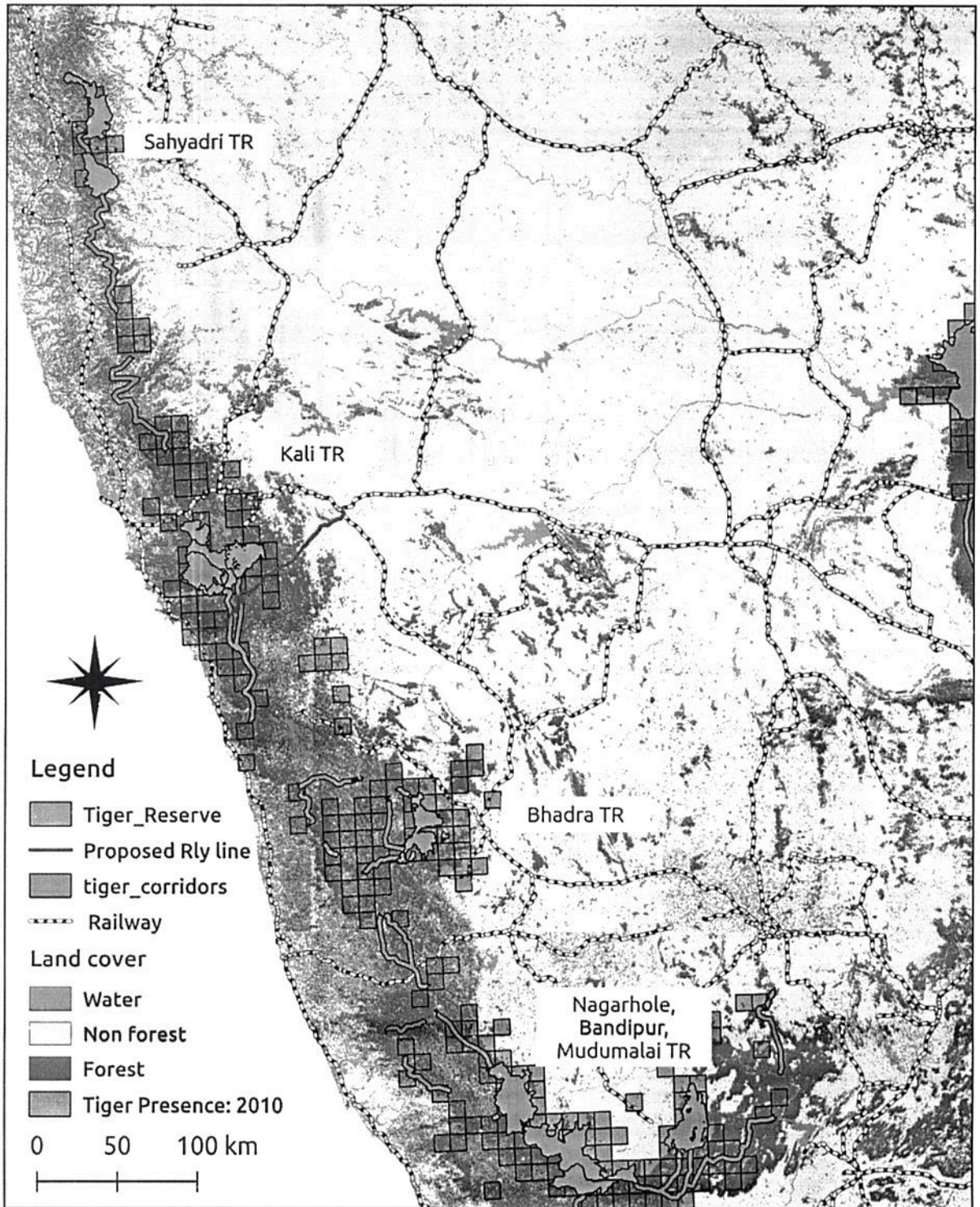


Figure 6. Tiger occupancy in Western Ghats landscape in 2010.

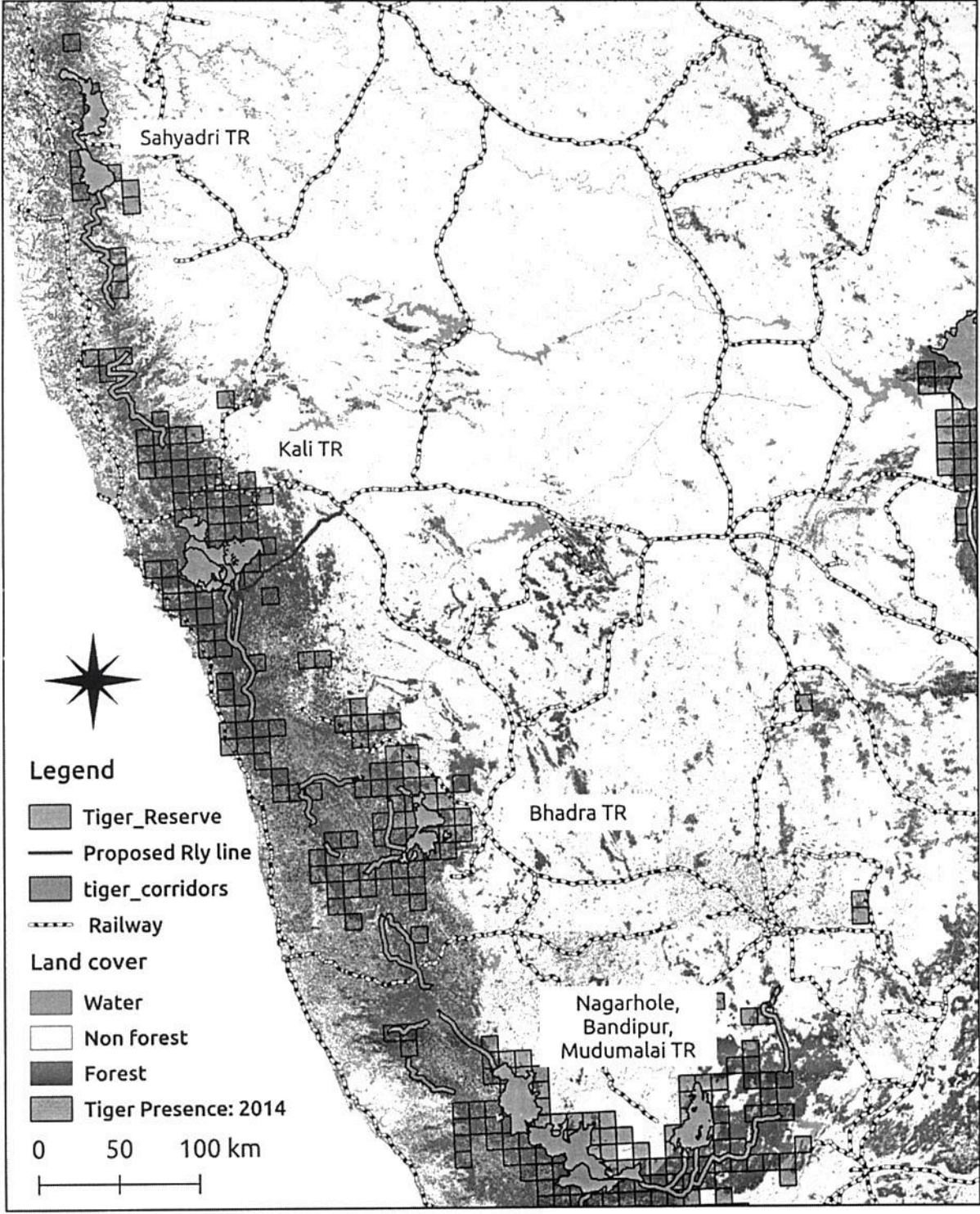


Figure 7. Tiger occupancy in Western Ghats landscape in 2014.

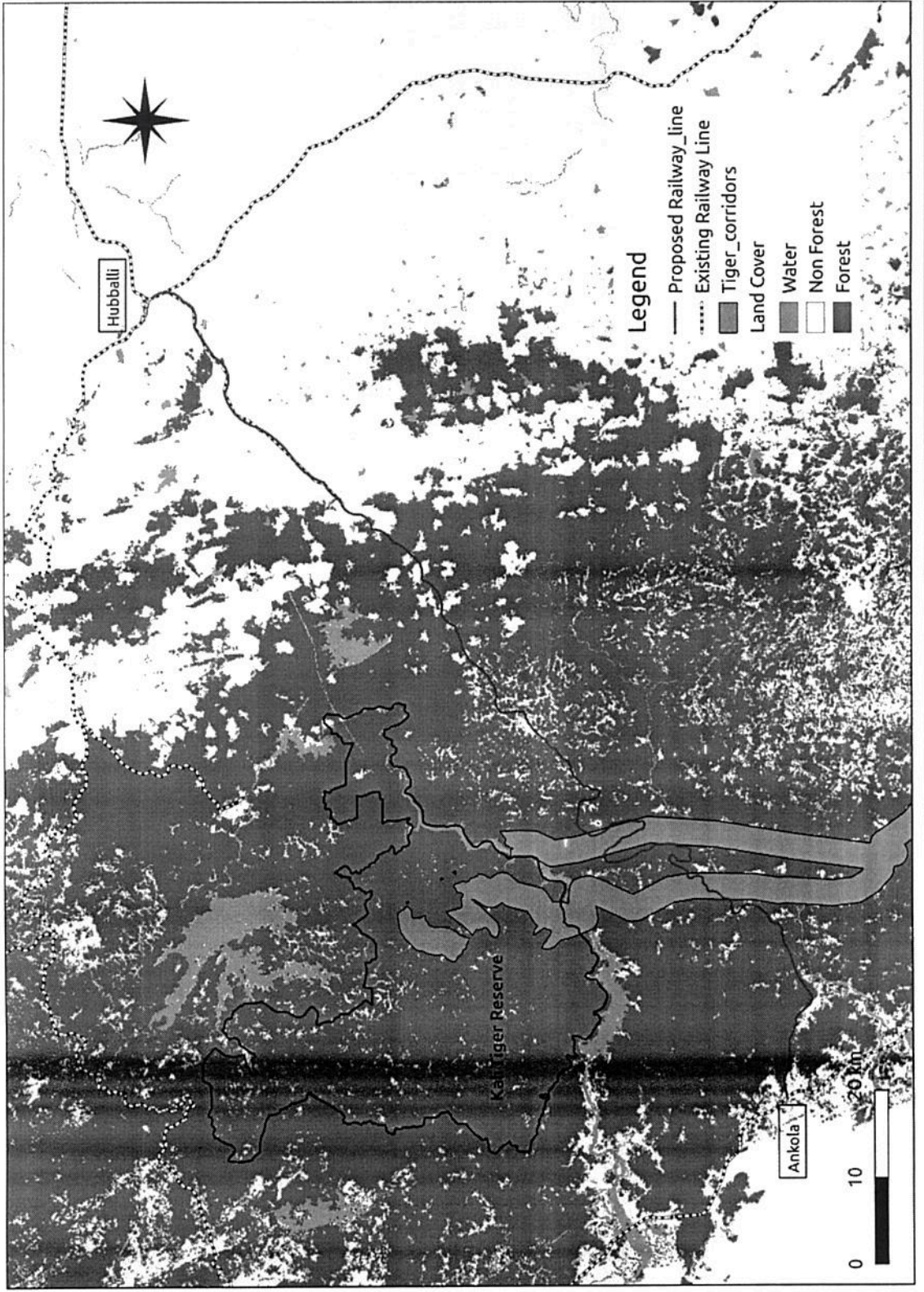


Figure 8: Proposed railway line intersecting tiger corridors delineated using Least Cost Path analysis.

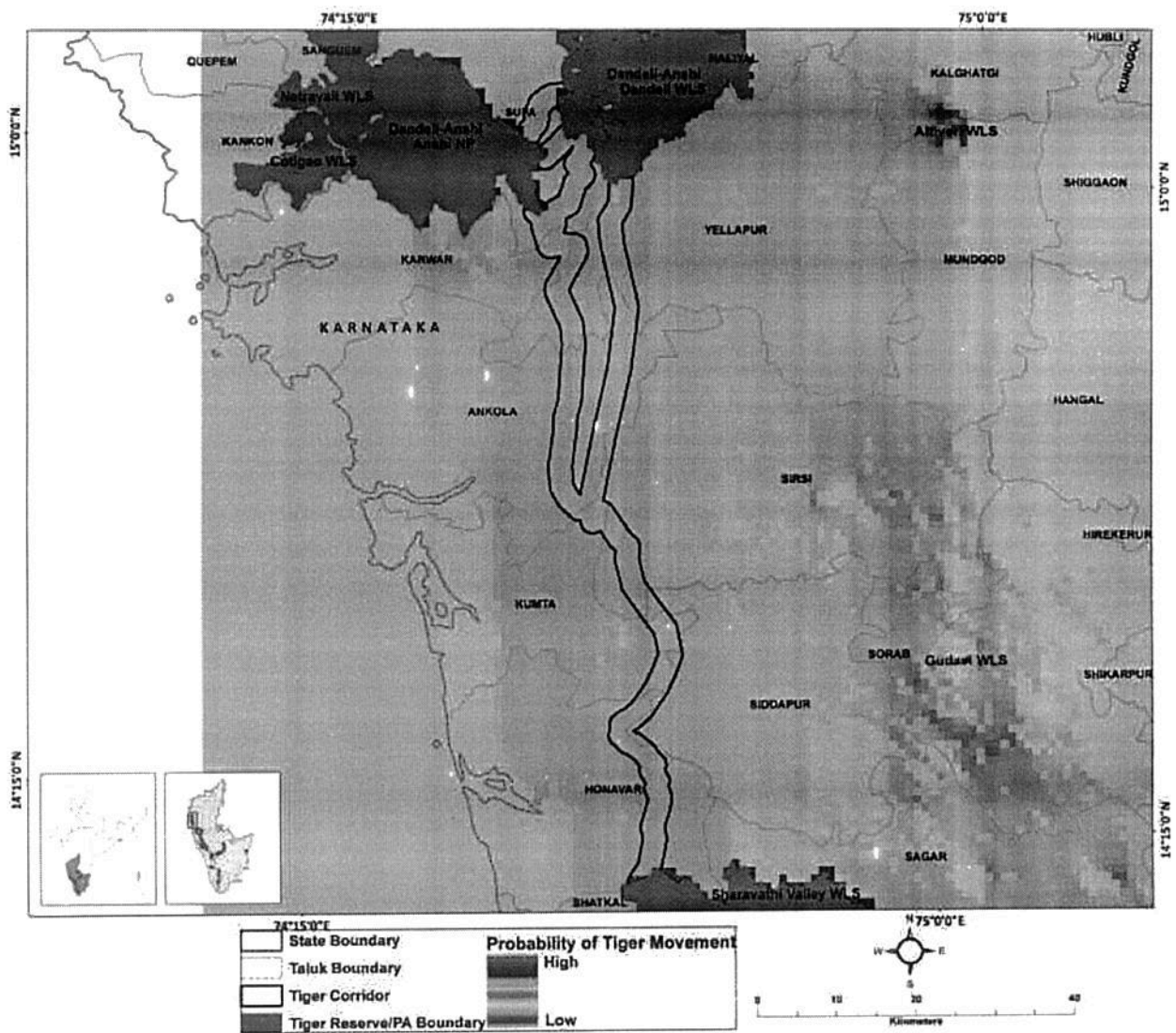


Figure 9: Potential habitat connectivity for tiger movement between Anshi-Dandeli-Sharavathi valley as per CIRCUITSCAPE model. Proposed Hubballi – Ankola railway line will besect this potential connectivity areas

(Reference: Qureshi *et al* 2014, Connecting tiger populations for long-term conservation, NTCA / WII).



Figure 10: Potential bottlenecks, obstacles and weak links within the Least Cost Pathway corridor connecting Anshi- Dandeli-Sharavathi Valley. Proposed Hubballi – Ankola railway line passes through one such potential bottleneck area of the tiger corridor (indicated by yellow color arrow)

(Reference: Qureshi *et al* 2014, Connecting tiger populations for long-term conservation, NTCA / WII)

REFERENCES

1. Aditya Joshi, Srinivas Vaidhyanatha, Samrat Mondol, Advait Edgaonkar, Uma Ramakrishnan (2013). Connectivity of Tiger (*Panthera tigris*) Populations in the Human-Influenced Forest Mosaic of Central India. PLOS ONE www.plosone.org.
2. Biological Diversity, Ecology & Environment Impact Assessment with Mitigation Measures. Energy & Wetlands Research Group, Centre for Ecological Sciences, Indian Institute of Science, Bengaluru.
3. <http://whc.unesco.org/en/list/1342/> and Report of the High Level Working Group on Western Ghats, Vol I, MoEF.
4. Proposal for Wildlife Clearance for New Broad Gauge Railway Line Between Hubli -Ankola. South Western Railway.
5. Q. Qureshi, S. Saini, P. Basu, R.Gopal, R. Raza and Y. Jhala (2014). Connecting Tiger Populations for long-term conservation. National Tiger Conservation Authority & Wildlife Institute of India, Dehradun.
6. Report of the Central Empowered Committee in application no 952 of 2006.
7. WII (2016). Eco-friendly measures to mitigate impacts of linear infrastructure on wildlife. Wildlife Institute of India, Dehradun.

Annexure I : Photographs of field visits in connection with proposed Hubballi – Ankola railway line



Interaction with the officials during field visits



Teak forest near Ankola



Forest near Ramanguli where railway alignment passes through



Western Ghat hills through which the proposed railway line traverses



A forest patch in Yellapur Division



NH 52 which connects Hubballi and Ankola. This road was developed with ADB aid mainly for transporting iron ore from Bellary – Hospet region to Kavar ports.

Annexure II – NTCA letter for site appraisal of proposed railway line project.

21

URGENT/ TIME BOUND

F. No. 7-58/2017-NTCA
Government of India
Ministry of Environment, Forest and Climate Change
National Tiger Conservation Authority

Urgent
Site appraisals
Sub file - Reports
on Hubballi - Ankola Railway Project.
P. Murug.

B-1 Wing, 7th Floor,
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Email: dig2-ntca@nic.in
Tel (EPABX): 011-2436 7837-42
Fax: 011-2436 7836

Dated: 05.12.2017

OFFICE MEMORANDUM

Sub: Diversion of 595.64 ha of forestland in Karwar, Yellapura and Dharwad Division for the construction of New Broad Gauge Railway line of Hubballi-Ankola- reg.

Ref: Wildlife Division, MoEF&CC letter No. 6-251/2017 dated 27.11.2017

With approval of the Competent Authority, IG, NTCA, RO, Bengaluru is hereby directed to cause site appraisal in connection with the aforesaid mentioned subject.

2. The terms and reference of the site appraisal are as follows:
 - To cause site appraisal and evaluate the area vis-à-vis tiger distribution, its dispersal and suggest mitigation measures & their feasibility, if any.
3. The report will be submitted within 10 days of issue of this Office Memorandum

Yours faithfully,

Encl: As above.

Nishant Verma 5/12/17
(Nishant Verma)
Deputy Inspector General of Forests (NTCA)

Distribution:

1. IG, NTCA, RO, Bengaluru

Copy to:

1. The Chief Wildlife Warden, Govt. of Karnataka, for kind information please.
2. The Field Director, Kali Tiger Reserve, Karnataka for kind information & necessary action please.
3. The PS to ADG (PT) & MS (NTCA) for kind information please.

T1 distribution/Satara



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

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi 110 003

F.No.6-26/2018 WL

Date: 18.04.2018

To
All Members
Standing Committee of NBWL

Sub: Minutes of 48th Meeting of the Standing Committee of NBWL- reg.

Sir/Madam,

Kindly find enclosed copy of the Minutes of 48th Meeting of the Standing Committee of National Board for Wildlife held on 27th March 2018 at 01.00 PM in Teesta Conference Hall, I Floor, Vayu Block, Indira Paryavaran Bhawan, New Delhi under the chairmanship of Hon'ble Union Minister of Environment, Forest and Climate Change.

Yours faithfully,

(Dr. Pasupala Ravi)
Scientist C

E-mail: ddwlmef@gmail.com

Encl: As above

Distribution

- (1) Secretary, MoEF&C
- (2) DGF&SS, MoEF&C
- (3) Member Secretary, NBWL
- (4) ADGF(FC), MoEF&C
- (5) ADGF(WL), MoEF&C
- (6) Director, WII, Delhi
- (7) Director, GEER Foundation, Gandhinagar, Gujarat
- (8) Prof. R. Sukumar, Member, NBWL
- (9) Dr. H.S. Singh, Member, NBWL
- (10) Pr. Secretary (Deputy Secretary), Forest, Science & Tech., Govt. of Andhra Pradesh

Copy to

- (1) PS to Hon'ble Minister, MoEF&C
- (2) PPS to DGF&SS, MoEF&C
- (3) PPS to Addl. Director, Member Secretary, NBWL
- (4) PPS to ADGF(WL)/PS to DIG(WL)/PS to JD(WL)

MINUTES OF 48th MEETING OF THE STANDING COMMITTEE OF NATIONAL BOARD FOR WILDLIFE HELD ON 27th MARCH 2018

The 48th Meeting of the Standing Committee of National Board for Wildlife was held of 27th March 2018 under the chairmanship of Hon'ble Minister for Environment, Forest & Climate Change. List of participants are placed at ANNEXURE- I.

Hon'ble Chairman welcomed all the participants to the 48th Meeting of the Standing Committee of National Board for Wildlife and asked the IGF(WL) to initiate the discussions on the Agenda Items.

AGENDA ITEM No. 1

Confirmation of the minutes of the 47th Meeting of the Standing Committee of National Board for Wildlife held on 25th January 2017

The IGF(WL) mentioned that the minutes of the 47th Meeting of the Standing Committee of National Board for Wildlife held on 25th January 2017 were circulated to all members of the Standing Committee on 7th February 2017. He stated that no comments / suggestions were received and accordingly the Standing Committee confirmed the minutes.

**AGENDA ITEM No. 2
(ACTION TAKEN REPORT)**

46.3.1 Order of the Hon'ble High Court of Madras, Madurai bench dated 22.08.2017 in Writ Petition (MD) No. 7349/2016 and Writ Petition (MD) No. 6174 of 2016 regarding stone quarries operating near Megamalai Wildlife Sanctuary

The IGF(WL) briefed the Standing Committee on the Order of the Hon'ble High Court of Madras, Madurai bench and stated that the District Collector, Theni District of Tamil Nadu forwarded the representations of the petitioners to the Standing Committee of National Board for Wildlife. The Hon'ble High Court directed the Standing Committee to pass suitable orders within a period of four weeks and intimate decision to the petitioners. He mentioned that the proposal involves the extension of mining lease of the petitioners (two associations by name Sangili Karadu Kalludaikkum Mahalir Nala Sangam and K K Patty Kalludaikkum Mahalir Nala Sangam) for stone quarry in 2.50 ha, each in

Kamayagoundapatty village, Uthamapalayam Taluk, Theni District. The mines are located within 5 km from the boundary of Megamalai Wildlife Sanctuary and require the recommendation of Standing Committee of National Board for Wildlife as part of Environmental Clearance.

This issue was considered by the Standing Committee in its 46th meeting held on 8th December 2017. The IGF(WL) also stated that this Ministry's letters vide dated 17.10.2017, 04.01.2018 and 08.02.2018, has requested the State CWLW to furnish his comments. However, so far no response has been received and consequently the Standing Committee decided to defer the proposal.

46.3.2 Judgement of the Hon'ble National Green Tribunal, Chennai dated 24-10-2017 in Appeal no. 30 of 2015(SZ) titled Bimal Gogoi & Anr. Vs. Union of India & Ors

The IGF(WL) briefed the Standing Committee on the Order of the Hon'ble National Green Tribunal, Chennai bench and stated that the 1750 MW Demwe Lower Project, proposed to be constructed in the Lohit District of Arunachal Pradesh, is being executed jointly by Athena Energy Ventures and the State Government of Arunachal Pradesh. The Environment Clearance to the project was granted by the MoEF&CC in 2010 and the project site is 8.5 km away from the Kamlang Wildlife Sanctuary. The Standing Committee of NBWL in its 23rd Meeting held on 14th October 2011 wherein it was decided that a site inspection be carried out by Dr Asad Rahmani, Member NBWL and Shri Pratap Singh, CCF(WL), Arunachal Pradesh. After site inspection, two different reports were submitted to the Standing Committee of NBWL. The matter was thereafter considered by the Standing Committee in its 24th meeting held on 13th December 2011.

The IGF(WL) also stated that in the 46th meeting, it was decided by the Standing Committee that a Committee comprising of Prof R Sukumar, Member NBWL, one representative of WII and one representative of NTCA would visit the site and submit the detailed report to the Ministry within 30 days for further consideration. However, Prof R. Sukumar informed through E-mail about his inability to conduct site inspection and requested to nominate another member for the site inspection.

The Standing Committee in its 47th meeting held on 25th January 2018 decided that the Director, GEER Foundation, Member NBWL, would replace Prof R Sukumar in the aforesaid Committee and requested it to complete site inspection and submit a detailed report to the Ministry within 30 days for further consideration. Committee visited the project site on 25th - 28th February 2018 and furnished the report.

Shri R D Kamboj, Member, NBWL mentioned that a comprehensive peer-reviewed study should be carried out on the hydrology and ecology of three seasons by a reputed and neutral scientific / technical organization(s) before according clearance.

Dr H S Singh, Member, NBWL informed that the impact study of the project has not been carried by the User Agency and the State Government.

After discussions the Standing Committee decided that the WII, Dehradun to carry out hydrology / ecology study and submit the report to the Ministry in three months. Consequently the Standing Committee decided to defer the proposal.

47.3.1 Order of the Hon'ble High Court of Madras dated 27-10-2017 in Writ Petition nos. 26106 to 26108 of 2017 title A. Gopinath vs. Union of India & Ors, Gopinath granite quarry operating near Cauvery Wildlife Sanctuary

The IGF(WL) briefed the Standing Committee on the Order of the Hon'ble High Court of Madras and mentioned that the said Court has directed the Secretary, MoEF&CC to consider the application of the petitioner dated 12.01.2016 for seeking Wildlife Clearance on merits and in accordance with law within a period of eight weeks and intimate decision to the petitioners. He also stated that the granite quarries are located within 10 km deemed ESZ from the boundary of the Cauvery Wildlife Sanctuary in Hosur Division Krishnagiri District of Tamil Nadu and require the recommendation of the Standing Committee of NBWL as part of Environment Clearance. The online application of the petitioner seeking Wildlife Clearance from the Standing Committee of NBWL dated 12.01.2016 has been pending at the State level.

Further the IGF(WL) stated that this Ministry's letters vide dated 24.11.2017, 18.12.2017, 04.01.2018 and 08.02.2018 requested the State CWLW to furnish his comments in Part IV. However no response has been received from the State Government and consequently the Standing Committee decided to defer the proposal.

47.3.3 Hon'ble Supreme Court order dated 19-01-2018 in Writ Petition (C) no. 275 of 2015 titled Vidya Athreya & Anr. Vs. Union of India Ors

The IGF(WL) briefed the Standing Committee on the order of the Hon'ble Supreme Court in the above cited case wherein, the Ministry of Environment, Forests and Climate Change is made Respondent No. 1 and the National Board for Wildlife is made Respondent No. 2, it has directed this

Ministry and NBWL to look into the suggestions of the petitioners. The petition is highlighting the issue of absence of an effective policy and programme to save critically endangered species like Great Indian Bustards, snow leopards, the Himalayan Brown Bear and Indian wolves, which are on the verge of extinction.

Further the IGF(WL) stated that the Hon'ble Supreme Court has asked the Standing Committee of NBWL to consider the suggestions of the petitioner referred in its order dated 19.01.2018.

The Standing Committee in its 47th meeting held on 25th January 2018 decided that a Committee chaired by the ADGF(WL) and comprising of representative of WII, representative of NTCA, two PCCFs of States where human - wildlife conflict is maximum and IGF(WL) as member secretary would consider the suggestions of the petitioner and submit a report to the Ministry within two months for further consideration. The meeting has been held on 13th March 2018 and the report is awaited. Consequently the Standing Committee decided to defer the proposal.

39.4.2.7 Proposal for stone mining lease area 4 ha (private land) in Khasra No. 357 village Ghoora, Tehsil-Rajnagar, Dist. Chhatarpur, Madhya Pradesh. The mining area is 6.67 km away from Panna Tiger Reserve

The IGF(WL) briefed the Committee on the proposal and mentioned that the proposal was considered by the Standing Committee of NBWL in its 39th, 40th and 41st meetings. The APCCF(WL), Madhya Pradesh mentioned that mining area is a private land and does not form part of any corridor.

Further the IGF(WL) stated that the NTCA and the WII have rejected the proposal on the ground that the mining site located within the proposed landscape management plan (also the catchment area of Ken Betua Project) of Panna Tiger Reserve. The Secretary, MoEF&CC received representation on 30.10.2017 to reconsider the proposal from the project proponent.

Dr H S Singh, Member, NBWL mentioned that no mining should be permitted in the additional area to be added to the Panna Tiger Reserve in lieu of the core area to be diverted for Ken-Betwa river linking project.

After discussions the Standing Committee decided that the NTCA and the WII to verify the location and furnish the report to the Ministry within one month for further consideration. Consequently the Standing Committee decided to defer the proposal.

35.4.5.1 Proposal for boundary alteration of Kolleru Wildlife Sanctuary, Andhra Pradesh

The IGF(WL) briefed the committee on the proposal and mentioned that the same was discussed in the 35th, 37th, 38th, 39th and 40th meetings of the Standing Committee of NBWL. During 35th meeting held on 18th August 2015 the Standing Committee decided that a Working Group comprising of member Prof R Sukumar, representative of WII, nominee of Wildlife Division of the Ministry and a representative of the State Forest Department of Andhra Pradesh was constituted to visit the area, brainstorm on all aspects of the proposal and suggest viable options, including rationalization of boundaries of the sanctuary, for conservation of the wetland and the sanctuary while ensuring that no hardships are caused to the bona fide owners of the lands in the area. Working Group submitted the report on 2nd January 2017 and same was placed before 40th meeting of the Standing Committee held on 3rd January 2017.

Further the IGF(WL) stated that during 40th meeting of the Standing Committee the Chairman opined to communicate the recommendations of Working Group to the State Government for comments. Accordingly, the recommendations of Working Group were sent to the State Government. The State Government of Andhra Pradesh was requested to present their deliberations to the Standing Committee. In their presentation the following were mentioned.

1. Andhra Pradesh State Assembly resolution

No compromise with the ecological balance by drastic reduction in sanctuary area. Refer Andhra Pradesh State Assembly Resolution.

2. Deletion of Private Ziroyati Lands

Deletion of private Ziroyati lands from sanctuary that is approximately 5533.3 ha located inside the north-eastern boundary of Kolleru WLS except major rivers / streams flowing **within** this area retaining 10 m either side of the stream / river by government to ensure the environmental water flow into sanctuary.

The State Government decided that Ziroyathi lands to an extent of 14,861 acres, most of which are falling in North-East corner of the sanctuary limits should be removed. However, instead of a single continuous stretch, the ziroyathi lands falling in two districts of West Godavari and Krishna be consolidated in two patches respectively and then removed as people residing in Krishna and West Godavari district would not like to leave their respective districts.

3. Issue of D-Patta lands

Based on the authentic information on the extent of lands assigned to Scheduled Castes and Backward Class communities, the genuine D-Patta co-operative societies be accommodated adjoining the ziroyati lands to be deleted. Their process of rehabilitation should be ensured that this land does not fall into hands of 'benami' owners.

The State Government agreed that though the D-Pattas issued to the Fishermen Societies and weaker sections were cancelled at the time of notification of the sanctuary, a humanitarian approach was needed to be adapted. Hence it was decided to recommend to the NBWL that as per fresh assessment, approximately an extent of 5000 acres needed to be additionally deleted from the sanctuary to accommodate the livelihood needs of holders of D-Pattas within the sanctuary limits.

Further it was decided that lands for D-Patta holders would be considered in two patches in two districts closer to the proposed Ziroyati lands mentioned above. Hence a total of approximately 20,000 acres of land needed to be excluded from Kolleru Wildlife Sanctuary to end the perpetual conflict around and within Kolleru Wildlife Sanctuary.

4. Relief and Rehabilitation

The State government should be prepared to invest resources in R&R in order to resolve the rehabilitation cost of remaining ziroyati land owners.

It was decided that R&R package would not be necessary as land to land compensation is proposed for all the Zeroyati and D-Patta land holders within the Kolleru Wildlife Sanctuary limits.

5. Survey and Preparation of Integrated Management Plan

The above actions may be started after compilation of reliable data on the actual boundary of Kolleru Wildlife Sanctuary and preparation of integrated management plan.

The survey and fixing would be taken up by Revenue (District Collector), Survey and Settlement, Irrigation and Forest Departments by forming special teams and the work would go simultaneously along with deletion of Zeroyati and D-Patta land from the sanctuary. The management plan prepared by Wetland International South Asia (WISA) for the Kolleru Wildlife Sanctuary would be revised or revised with latest requirements.

6. Core and Buffer area

Within the rationalized boundaries of sanctuary, the important areas of bird congregation should be declared as core zones free of human disturbances and the rest buffer areas can be used for traditional fishing without construction of bunds.

After Zeroyati lands and D-Patta lands are consolidated and deleted from the sanctuary limits, the remaining area would be declared as core and buffer areas as recommended in the report of the working group.

7. Ecologically sensitive zone

Ecologically Sensitive Zone (ESZ) should be declared up to present boundary or may be extended to a distance recommended by experts on wetland ecology.

After rationalization of the boundary as proposed in points 1 to 3, Ecologically Sensitive Zone proposal would be submitted to the Government of India to adopt a landscape approach to manage Kolleru Wildlife Sanctuary.

8. Constitution of Kolleru Lake Management Authority

The State and Central Governments together set up the Kolleru Lake Management Authority and explore funding mechanisms for sustainable management of the entire wetland to regulate hydrology, industrial effluents, untreated sewage from towns, fertilizers and pesticides.

It was decided to set up a Kolleru Lake Management Authority for sustainable management of this important Ramsar Site.

9. Diversion of Budameru Water to Pattiseema

As entire water of Budameru river has been diverted to Polavaram - Pattiseema canal, the same amount of water flow should be compensated. The Secretary, Water Resource Department and Engineer-in Chief, Water Resource Department informed that the Budameru water was not diverted to Pattiseema. However, for maintaining the long term ecological integrity of Kolleru lake, extra inflows, if required will be given from Polavaram to maintain water balance in the wetland.

After discussions the Standing Committee decided to recommend the proposal along with the deliberations of the State Government for the boundary alteration of the sanctuary.

46.4.1.21 Construction of third railway track including electrification, signaling and telecommunication between Barkhera km 789.430 to Budni km 770.040 passing through Ratapani WLS in Districts Raisen and Sehore

The IGF(WL) briefed the Standing Committee on the proposal and stated that the proposal involves the diversion of 268.27 ha (100.54 ha forestland + 4.2 ha non-forestland from Ratapani WLS, and 108.42 ha of forestland + 55.11 ha of revenue land from Sehore Forest Division) for the construction of third railway line including electrification, signaling and telecommunication from Barkhera (789.430 km) to Budni (770.040 km). The State CWLW has recommended the proposal with the condition that the railways will construct underpasses, over passes and chain-linked fences in the portion passing through the sanctuary for safe movement of wildlife and provide automatic hooters on the sanctuary side to prevent their accident death. Suitable warning signs for train drivers will be placed informing them that they are passing through a wildlife area and 20 km speed limit will be followed in the designated sensitive area.

The IGF(WL) also stated that the NTCA has recommended the proposal with the following conditions and mitigation measures:

- [1] Construction of the new railway track should be subject to detailed hydrological, topographical and soil surveys by independent agencies. The project proponent should ensure that no existing drainage is blocked due to the construction.
- [2] The Elephant Task Force Report of Government of India identifies various contributing factors to train hit deaths: ecological (food, water, shelter, vegetation and movement routes), physical (steep embankments and turnings), technical (train speed, frequency and time, unmanaged disposal of edible waste), and lack of awareness among drivers, passengers, and planners (Rangarajan et al. 2010). These factors need to be taken into account while implementing the project.
- [3] Considering the conservation significance of the landscape, sufficient number of under passes (21 places), overpasses (3 places), chain link fencing (9 places), 20 chain link fencing in the cutting area with construction of 1.5 meter wide are proposed as decided in the State Wildlife Board Meeting along the alternate alignment passing through Ratapani Wildlife Sanctuary, so as to enable animal crossings, minimize animal mortality and allow flow of river water to enter inside the forest. The topographic features, maximum animal movement area(s) and the existing drainages must be of prime consideration for locating the structures on the ground as decided by joint team of Rail Vikas Nigam Limited and Madhya Pradesh Forest Department. At least 30% of

the proposed third track alignment in between Budhni and Barkheda should be under mitigation measures so as to enable animal crossings and minimize animal mortality.

- [4] The underpasses should be structured in a manner so that they have heights at least equal to their width, and openings that allow unobstructed view of habitat so as to maximize their use by wildlife. Since Ratapani does not have elephant or gaur, a minimum span of 30 m with a height of 5 m and a width of 5-8 m would work for the railway track passing through the areas outside Ratapani WLS. The 30 m span refers to clear open passageways excluding the support pillars (WII guidelines, 2016). However, for the core area of the sanctuary; the span needs to be least 50 m with the same dimensions of length and width (WII guidelines, 2016).
- [5] Railway is planning to use some of the existing tunnels as overpasses. However, for the new overpasses which need to be constructed, the minimum passage span should be made to exceed 30 m and should not have a steep incline slopes over 25 degrees should be avoided.
- [6] The presence of embankments to make the track level, and even ballast (1 or 2 feet) in flat areas, makes it difficult for large animals such as tigers to get off the track quickly when a train approaches. In order to circumvent this, level-crossing type crosswalk approaches including ramps may be constructed in places (at an interval of every 2 km) where such animals regularly cross railway tracks (WII guidelines, 2016). The identification of locations for these types of crosswalks should be in consultation with the Forest Department. However, these crosswalks should not be considered as an alternative to the proposed overpasses and underpasses and they should be created in addition to the above mentioned mitigation structures.
- [7] To prevent large animals from being trapped in railway tracks between steep embankments, their entry into such areas should be discouraged by installing cattle proof barriers or reinforced fences (rail tracks are most suitable for use as fence posts). This will funnel animal movements through proposed mitigation structures.
- [8] As it is risky for a train to suddenly stop on a curve, the presence of large animals in these terrains can be avoided by installing physical barriers on both sides of the curve.
- [9] Technology aided surveillance systems such as infra-red camera based e-Eye, seismic and wireless sensor based monitoring systems developed by IIT Delhi and WII should be implemented for minimizing animal-rail collisions in the track. The sensors should be placed on both sides of the track in the accident prone areas and should emit warning signals when being approached by large bodied animals. NTCA & Madhya Pradesh Forest Department have already applied e-Eye in Ratapani and the same technology should be extended for this purpose. Incidents

of train-animal collisions in many areas of the country (like Rajaji TR) have already been minimized by using these technologies.

- [10] Steps should be taken for enhancing the visibility for train drivers along sensitive sections by clearing vegetation, leveling mounds (under supervision of Forest Department) and putting solar-light posts at appropriate places.
- [11] A joint team comprising of watchmen of forest and railway departments (equipped with wireless sets) should patrol critical sections of the track (24 X 7 basis) and warn the train drivers whenever necessary.
- [12] A separate team needs to be engaged for disposing food waste and other garbage from the tracks regularly which otherwise might attract animals to approach the track. Care should be taken in planning water point's creations near the track as this might draw more animal movements near the track.
- [13] Both attacking and exit Speed of the passenger and goods trains (especially at night) inside the forested area should be decided after technical deliberations with the Forest Department.
- [14] Standardized signages should be erected at appropriate places along the track sensitizing the drivers and guards. Regular awareness training programs for loco pilots, guards, caterers and other railway officials should be organized in collaboration with the state Forest Department for sensitizing them about the measures need to be taken for averting accidents.
- [15] A joint patrolling team comprising of Railway Protection Force, M.P Forest Department and officials from regional centers of Wildlife Crime Control Bureau should regularly conduct surprise checking in the trains plying in between Bhopal and Itarsi and passing through wildlife areas.
- [16] A recent publication after analyzing 40 years' data on tiger trafficking inferred that rail routes being preferred by more by the poachers than highways ascribing this minimal presence of enforcement agencies in the trains as compared to buses (Sharma et al. 2014). A joint patrolling team comprising of Railway Protection Force, M P Forest Department and officials from regional centers of Wildlife Crime Control Bureau should regularly conduct surprise checking in the trains plying in between Bhopal and Itarsi and passing through wildlife areas.
- [17] Construction work should be done during daytime (6 A.M - 6 P.M) and no night camp of labors and contractor/user agency officials should be allowed within 3 km from the forest area. User agency should also monitor that no labor gets involved in extraction of forest products. Local RFO and forest staff should pay regular and sudden visits to the construction sites for monitoring these.

- [18] The Forest Department and user agency should ensure that the construction period within Ratapani WLS is kept minimal since construction work continued for a longer duration might completely decimate the wildlife populations in the area. Use of pre-fabricated structures is recommended wherever feasibility.
- [19] Light and sound barriers should also be created along the railway as per WII's recommendations (WII Guidelines, 2016).
- [20] The NPV amount deposited by the user agency should be used for mitigating already existing railway tracks (If not done earlier) as per the guidelines prescribed above.
- [21] The State CWLW, Madhya Pradesh should constitute a monitoring committee comprising of forest officials of Ratapani WLS, NTCA, WII, Indian Railway and RVNL representatives to supervise the compliance of the conditions laid in this report during various phases of project implementation.
- [22] A quarterly joint meeting of the officials from rail Vikas Nigam Limited and Forest Department be called regularly to address conflict issues and if anything appears to be urgent in consultation with the National Tiger Conservation Authority.

Further the IGF(WL) stated that during 46th meeting of the Standing Committee, it was decided that a Committee comprising of a non-official member of NBWL, one representative of WII and one representative of NTCA would visit the site and submit the detailed report to the Ministry within 30 days for further consideration. The Site Inspection Committee inspected the project site on 8th - 9th February 2018 and furnished the report. The NTCA recommendations as submitted to the Ministry of Environment, Forest & Climate Change have been accepted by the Site Inspection Committee. The conditions mentioned in the report stand as the conditions along with the following additional conditions recommended by the Site Inspection Committee:

- [1] Narrow passages/bridges/tunnels for draining out the stream water have been provided in the existing rail line. These long narrow tunnels filled with boulders are not adequate for the passage of animals. These tunnels have to be supplemented with new underground passages or overbridge wildlife passages, as prescribed by the NTCA. These passages should have adequate openness to allow animal movements following NTCA guidelines. Additionally, at certain sites near the railway line, high hills with caves, rock crevices and dense evergreen forest provide shelter and breeding ground to wild animals. Additional suitable passages should be provided at such sites (Annexures - 2) to avoid death of wild animals.

- [2] It was noticed that, at many places, the railway track was substantially raised from ground using track ballast (crushed stones between and around rail sleepers) and were flanked by steep uphill or downhill slopes, making it difficult for soft-padded animals like tiger and leopard to quickly cross the railway track, and increasing the chance of collision. At such sites frequently used by animals, where underpasses are not feasible, the stretch of railway track should be flattened to the ground following the 'level-crossing rail design' to enable swift movements of animals.
- [3] In the Central India Tiger-Landscape, network of national and state highways as well as rail lines will be upgraded to high speed roads multiple lanes road and rail in future. In some of the ongoing projects, passages have been proposed, but some of these locations might not match with frequent movement routes of the animals. Expansion and modernization of several existing roads in the region is expected in future. The network of these high speed roads and rails in the tiger landscape are serious threat to wildlife, including tiger. In the background of this fact, a comprehensive study involving tiger experts and field staff may be conducted in the region to identify wild animal's movement tracks so that suitable passages at right sites are provided to minimize damage to the wild animals.
- [4] The project has proposed cutting of about 38,600 trees. These also include cutting of trees for temporary road and dumping sites for the materials. The excavated material can be dumped or re-used without cutting trees. The material can also dumped in depression or water bodies falling between the two rail tracks. The water bodies falling between the two railway track invites wild animals for drinking water. Such water holes may be filled by the dumping materials to avoid death of wild animals by rails. Such water body may be replaced by creating water body in same area at suitable site away from the railway track. Some of the dumping material can also be used in creation of big water bodies. Thus, some trees may be saved when there is scope to save them without impacting the project.
- [5] Daily movement of animal for drinking water is one of the main reasons of the rail and wild animal accident. To avoid or minimize death of the animals, adequate perennial water sources should be created at both sides of the rail lines. But the new water sources should be away (at least half km) from the rail track.
- [6] Huge quantity of stones and stone pebbles will be available in excavation of sites or creating tunnels. For laying railway lines, huge quantity of stones pebbles/chips are required. The transportation of such material will cause disturbance to wildlife. To minimize damage and also to reuse the resources, the stone / stone pebbles may be used in the railway track, if activities related to use of such material are not detrimental to wildlife.

[7] The mitigation measures should also be considered in the existing old rail track wherever possible. The mitigation measures prescribed in the NTCA report should be followed in addition to the recommendations suggested vide point (1) - (6) above.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the CWLW, the NTCA and the Site Inspection Committee. The WII guidelines named “*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*” will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

43.1.24 Construction of NH-3 bypass road in Son Chiriya Wildlife Sanctuary, Ghatigaon, Madhya Pradesh

The IGF(WL) briefed the Standing Committee on the proposal and stated that the Proposal was considered by the Standing Committee of NBWL in its 43rd meeting held during 27th June 2017. The user agency has suggested three options of which the State Chief Wildlife Warden has recommended the *Option 1* whereas the National Board for Wildlife has recommended the *Option 3*. It was decided by the Standing Committee in its 43rd meeting that a Committee comprising of one representative of WII and one representative from Wildlife Division would visit the project site and submit a report to the Ministry within a fortnight for further consideration. The Site Inspection was conducted during 30th - 31st August. During the 45th Meeting of Standing Committee of NBWL held on 4th September 2107, the Director, WII informed that the Site Inspection Committee noticed discrepancy between the alignments shown in the map of proposal and the alignments shown by the User Agency on the ground during the field visit. The Site Inspection Committee had requested to carry out a joint re-survey by the User Agency and the State Forest Department and furnish information to the Ministry. The Chairman directed WII, Dehradun to carry out the joint survey and submit the report to the Ministry in a fortnight.

The IGF(WL) also stated that the State Government has submitted revised proposal vide dated 19th January 2018 for diversion of 19.074 ha of land (15.516 ha forestland + 3.558 ha of revenue land) for the construction of NH-3 bypass road. The Chief Wildlife Warden has recommended the revised proposal without imposing conditions.

After discussions the Standing Committee decided to recommend the proposal. The WII guidelines named “*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*”

will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

- 36.4.2.12 Construction of Singoli-Bhatwari Hydroelectric Project 99 MW by M/s L&T Uttarakhand Hydropower Limited. The proposed site falls within 10 km from the boundary of Kedarnath Wildlife Sanctuary**
- 36.4.2.13 Construction of 171 MW Lata Tapovan Hydropower Project of NTPC Ltd, Uttarakhand**
- 36.4.2.14 Construction of 520 MW (4 X 130) Tapovan Vishnugad Hydroelectric Project of NTPC Ltd., Uttarakhand. The proposed site falls outside Nanda Devi National Park at a distance of 7.5 km**

The IGF(WL) briefed the Standing Committee on the above proposals and mentioned that the proposals were considered by the Standing Committee of NBWL in its 39th meeting held on 23rd August 2016. During the said meeting, it was decided by the Standing Committee to seek comments of the Ministry of Water Resources, River Development & Ganga Rejuvenation (MoWRD&GR) on the proposed projects. The IGF(WL) also mentioned that on 23rd September 2016, the matter was taken up with the MoWRD&GR. But, no response was received from them. He also mentioned that in the 42nd meeting of Standing Committee of NBWL, the Chair had suggested the CWLW, Uttarakhand to ask the State Government to take up the matter with the MoWRD&GR. However no response was received from the State CWLW and the MoWRD&GR. He informed that after the 44th Meeting of Standing Committee of NBWL, the DIG (WL) had spoken with the concerned Joint Secretary, MoWRD&GR and requested to furnish the comments on the said matter. The comments from the MoWRD&GR have not been received. During 46th meeting held on 8th December 2017 the Chairman of the Standing Committee expressed his concern that no response had come from MoWRD&GR. He also added that in such cases where no response is received, a time limit may be fixed after which the proposal may be sent back to the State Government without further consideration. He asked the Member Secretary to take up the matter with the State Government at the highest level and request it to fix up the accountability for not pursuing the matter further. The Member Secretary took up the matter with the State Government at the highest level however no response was received. Consequently the Standing Committee decided to delist the proposals.

- 34.4.2.11 Proposal of M/s Stone International Pvt. Ltd Chechat for expansion and renewal of Kotah Stone (Building) production in Mining lease no.22/92 situated in village**

Chechat in Tehsil Ramganj Mandi, District Kota which lies at about 6.4 km aerial distance from the Darrah Wildlife Sanctuary/ Mukundra Hills National Park

- 34.4.2.12 **Proposal for renewal of existing lime stone mining lease no.24/87 in village Pipakhedi, Tehsil Ramganj Mandi District Kota near Darrah Wildlife Sanctuary, Rajasthan by M/s Zahoor Ahmed, Abdul Majid. The proposed mining lease 8.5 km away from Darrah Wildlife Sanctuary**
- 34.4.2.13 **Proposal of M/s Associated Stone Industries (Kota) limited for expansion and renewal of Kotah Stone production in mining lease No. 1/89 situated in Tehsil Ramganj mandi, District Kota, Rajasthan**

The IGF(WL) briefed the Standing Committee on the proposals and mentioned that in the 42nd meeting of Standing Committee of NBWL, the State Chief Wildlife Warden had informed that ESZ proposals of Darrah Wildlife Sanctuary would be finalized and submitted to the Ministry in one month. Revised ESZ proposal of the Mukundra Hills TR was also awaited from the State. Further, in the 43rd meeting of SC-NBWL held on 27th July 2017, the CWLW, Rajasthan sought time of two months to submit the revised ESZ proposals. The period of two months ended on 28th August 2017 but no response was received from the Chief Wildlife Warden, Rajasthan. The ESZ proposals have not yet been received from the State Government. The Chairman expressed his concern that no response had come from State Government. He also added that in such cases where no response is received, a time limit may be fixed after which the proposal may be sent back to the State Govt. without consideration of the Committee. He asked the Member Secretary to take up the matter with the State Government at the highest level and request it to fix up the accountability for not pursuing the matter further. The Member Secretary took up the matter with the State Government at the highest level however no response was received. Consequently the Standing Committee decided to delist the proposals.

39.4.2.5 Proposal for International Amusement & Infrastructures Ltd for Jaipur Mega Tourism City, a Recreational Project at village Daulatpura Kotra, Tehsil Amer District Jaipur, Rajasthan

The IGF(WL) briefed the Standing Committee on the proposal and mentioned that the proposal was considered by the Standing Committee of NBWL in its 39th meeting held on 23rd August 2016. During the meeting, the State Chief Wildlife Warden has mentioned that the Environment Clearance for the project was under consideration of SEIAA, Rajasthan. In the 42nd meeting of SC-NBWL, the State Chief Wildlife Warden had informed that the Environment Clearance (EC) of project shall be submitted in next 2-3 months. Further, in the 43rd meeting of SC-NBWL held on 27th July 2017, the State Chief Wildlife Warden, Rajasthan has sought time of another two months to submit the EC of

project. The period of two months ended on 28th August 2017 but no response was received from the State Chief Wildlife Warden. During the 45th meeting of SC-NBWL, the State Chief Wildlife Warden again requested the time period of another two months for submission of EC of the project. The EC has not yet been received from the State Government. The Chairman expressed his concern that no response had come from State Government. He also added that in such cases where no response is received, a time limit may be fixed after which the proposal may be sent back to the State Government without consideration of the Committee. He asked the Member Secretary to take up the matter with the State Government at the highest level and request it to fix up the accountability for not pursuing the matter further. The Member Secretary took up the matter with the State Government at the highest level however no response was received. Consequently the Standing Committee decided to delist the proposal.

AGENDA ITEM No. 3

48.3.1 Request for consideration of recognizing Bombay Natural History Society (BNHS) as the Nodal Agency for Bird Ringing and as Training Partner of MoEF&CC for the Bird Ringing

Dr Deepak Apte, Director, BNHS made a detailed presentation before the Committee regarding bird ringing activities undertaken by BNHS in the past decades. It was informed by Dr. Apte that the BNHS has been undertaking bird migration studies in India since 1927, through bird ringing / banding of more than 700,000 birds, comprising both water birds and terrestrial birds. He also mentioned that since the last 10 years, BNHS has a permanent bird ringing and migration study centre at Point Calimere where both land birds and water birds are ringed / banded on a daily basis. He also cited examples of tracking of ringed migratory birds. Considering the expertise of BNHS, he requested the Ministry for considering recognizing BNHS as the nodal agency for bird ringing and satellite tracking for India and also as training partner of the Ministry.

The Standing Committee after deliberations decided to seek more inputs from States and Institutes before taking a final decision on the matter.

AGENDA ITEM No. 4**48.4.1 FRESH PROPOSALS FALLS WITHIN PROTECTED AREAS****48.4.1.1 Construction of (1) Bridge in Bhalua – Paharpur road, and (2) Mocharakh – Chaurhi road in Gautam Buddha Wildlife Sanctuary, Gaya District**

The IGF(WL) briefed the Standing Committee on the proposal and stated that the proposals involves the diversion of cumulative forestland 1.460 ha (0.50 ha for bridge in Bhalua – Paharpur road, and 0.960 ha forestland for Mocharakh – Chaurhi road) from the Gautam Buddha Wildlife Sanctuary for converting *kachcha* road into *pakka* road. He added that the State CWLW has recommended the proposals with the following conditions:

- [1] The permission for construction of the road shall not entail development of arterial or link road for the development of road connectivity in the concerned larger region.
- [2] During the construction works of the road the practicable restrictions and precautions as specified by the chief Wildlife warden, Bihar shall be complied with under the control of Divisional Forest Officer Cum Wildlife Warden, Gaya.
- [3] After construction of the road, speed restrictions and appropriate regulations for timing, etc., for vehicular traffic as deemed necessary, may be imposed by the Chief Wildlife Warden, Bihar and Divisional Forest Officer Cum Wildlife Warden, Gaya.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The WII guidelines named “*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*” will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.1.2 Proposal for diversion of forestland for the construction of road from Sansoo to Chopra Shop, Vikram bridge

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of 0.400 ha forestland from the Sansoo Rakh Conservation Reserve for the construction of road from Sansoo to Chopra Shop. He added that the State CWLW has recommended the proposal.

After discussions the Standing Committee felt that the proposal has got no merits to be considered under the provisions of the Wildlife (Protection) Act, 1972 and decided that the proposal be send back to State Government.

48.4.1.3 Diversion of 2.00 ha of forestland from Surasinar-Mansar Wildlife Sanctuary for construction of approach road for the already existing Sangar bridge in river Tawi

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of 2.0 ha forestland from the Surasinar-Mansar Wildlife Sanctuary for the construction of approach road to the already existing Sangar bridge on the river Tawi. He added that the State CWLW has recommended the proposal with the following conditions:

- [1] The User Agency shall pay 5% of the estimated cost of the project to the Jammu & Kashmir Wildlife Protection Department for conservation and prevention of wildlife and its habitat.
- [2] The User Agency shall also pay NPV to the Wildlife Protection Department in accordance with the orders of the Hon'ble Supreme Court.
- [3] The User Agency while implementing the road construction project will abide by the orders issued by the Hon'ble Supreme Court of India and follow provisions of the Jammu & Kashmir Wildlife (Protection) Act,1978 (Amended up to 2002) strictly.
- [4] The User Agency will follow the eco-friendly engineering practices during the project execution.
- [5] The User Agency will inform about the do's & don'ts to the staff & laborers involved in the project.
- [6] The User Agency will give preference to local people in employment to minimize the impact on wildlife due to influx of outside people.
- [7] The User Agency must arrange robust and quick / complete disposal of debris generated due to the execution of project in an environment friendly manner in consultation with the Regional Wildlife Warden, Jammu or his representative.
- [8] In the event of any offence against Jammu & Kashmir (Protection) act 1978 by any person related or engaged by the user Agency shall be liable for penal action during the execution of the project and the User Agency will be held responsible. In case of related offences the State Board for Wildlife and other competent authority will be approached for cancellation of permission.
- [9] The littering of any kind by the User Agency is strictly prohibited and the user Agency must avoid creating such hazard in the protected area including working site. The User Agency will ensure

that all waste materials such as plastic, tar barrels, gunny sacks, bottles, in cans, etc. would be properly disposed off outside the protected area.

- [10] No waste material including muck generated during execution of the project must be disposed off outside the protected area.
- [11] The User Agency will ensure that minimum damage is done to the local flora (grass herbs). Cutting of trees, saplings, shrubs, bushes and removal of fallen timber / wood by workers of project is strictly prohibited and would be offence against the Jammu & Kashmir (Protection) Act, 1978 amended till date. The User Agency would conduct surprise checks, in collaboration with the Regional Wildlife Warden, Jammu or his representative to see that no damage is caused to the flora and fauna.
- [12] Only controlled blasting, if necessary permitted in the sanction by the Government should be undertaken and all disturbances should be minimized to the extent possible.
- [13] The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue.
- [14] The department of Wildlife Protection shall be at liberty to impose any other condition that it or its ground staff may find necessary and unavoidable to force on the User Agency.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The WII guidelines named "*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*" will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.1.4 (1) Bommadu Village Electrification, (2) Adugundi Village Electrification, (3) Manimole Hadi Hamlet Electrification, (4) Nagarhole Hadi Village Electrification, (5) Golur Hadi Hamlet Electrification, (6) Bavalligadde Hadi Hamlet Electrification, (7) Balle Hadi Hamlet Electrification, (8) Gonigadde Village Electrification, (9) Thimmanahosahalli Hadi Hamlet Electrification, (10) Begur Hadi & Gadde Hadi Village Electrification, (11) Udburkere Hadi Hamlet Electrification, (12) Muleyur Hadi Hamlet Electrification, and (13) Anemala Hadi Hamlet Electrification under *Deen Dayal Upadhyay Gram Jyoti Scheme, Kodagu District*

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of cumulative 0.94845 ha forestland from the Nagarhole Tiger Reserve for the electrification of thirteen villages. He added that the State CWLW has recommended the proposals

with the conditions and mitigation measures if any as suggested by the Conservator of Forests & Director, Nagarhole Tiger Reserve, Hunsur may be implemented. Further all the statutory requirements to be considered at the time of implementation of work shall be followed as per the conditions laid down by the jurisdiction officers in the interest of protection and conservation of wildlife. After the approval of the Standing Committee of National Board for Wildlife, further action may be taken up as per the provisions of the Forest (Conservation) Act, 1980 with regard to the Compensatory Afforestation (CA) and collection of Net present value (NPV). The NTCA recommended the proposals with the following conditions and mitigation measures:

- [1] The following mitigation measures are suggested for controlling ELP and ANL inside Nagarhole Tiger Reserve:
 - (a) Install lights only where required by selecting locations wisely.
 - (b) Use motion sensors to turn lights on and off as and when required.
 - (c) The lights should be shielded so that light is focused downward where it is required.
 - (d) Regulate the lighting times and use in only when it required.
 - (e) The LED and metal halide light fixtures are known to have blue light in large amount in their spectrum. The project proponents should ensure that the light fixtures used by them will not emit more of blue light.
- [2] Solar electrification work should be carried out between 9 A.M – 5 P.M and under no circumstances labour camping inside the tiger reserve should be allowed. ALL the personnel associated with solar power project should enter project sites with prior permission from Park authorities. Further, the entire work should be supervised by concerned forester/ forest guard on daily basis. At regular intervals, the overall progress of electrification work should be monitored by Director, Nagarhole Tiger Reserve. To prevent should and air pollution, heavy machinery viz. earth movers should not used at the project site. The complete details of solar power project including the number of households connected, lighting facilities installed along with proper GIS mapping of these facilities should be maintained in Field Director's Office.
- [3] The Tiger Reserve Management should prioritize the plan of voluntary village relocation of these tribal haadis so that it results in their greater economic development and their connectivity with the outside word.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the NTCA. The

WII guidelines named “*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*” will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.1.5 Construction of 4 approach roads under Pradhan Mantri Gram Sadak Yojana in Sanjay Tiger reserve in Sidhi

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of 23.89 ha forestland from the Satpura Tiger Reserve for the up-gradation of (1) Bastua – Badkadol road, (2) Deomath – Kharmar road, (3) Ramgarh – Baheradol road and (4) Juri – Runda – Bhadaura road of length 70.66 km and width 3.0 m. He added that the State CWLW has recommended the proposal without imposing the conditions. The NTCA has recommended the project with the following conditions and mitigation measures:

- [1] Considering the observations and recommendation of the sub-committee on Guidelines for roads in Protected Areas vide MoEFCC Lr. No.6-62/2013 WL dt. 22.12.2014 and public interest, the widening and metaling of all 4-roads should not be carried out in the stretches passing through the core area except for the construction of all drainage structures in cement concrete to the full width including shoulders. Moreover the box/slab culverts and bridges should be constructed for making it motorable during rainy seasons.
- [2] Sensitive patches of the roads should be repaired as gravel surface road under the supervision of concerned tiger reservation management. User Agency will construct proper safety structures along as well as across the road drainage and existing gully plugging / erosion control work which is damaging the road at present. No vehicular movement should be allowed from sunset to sunrise.
- [3] Legal status of road should remain unchanged and no further widening proposal should be permitted in future.
- [4] Check posts need to be constructed at appropriate locations for regular monitoring of vehicles and control of traffic during emergency situations. Construction of drainage structures should be during daytime (7 A.M – 5 P.M) and no right camp of labours and contractor / user agency officials inside the forest should be allowed.
- [5] Use of heavy earth moving vehicles should be made as minimum as possible since they are likely to create substantial noise pollution in the area. Wherever there is a presence of any breeding

tigers (with cubs) in the area, local staff should immediately report this to the user agency so that additional precautions should be adopted during the construction work.

- [6] Construction materials (including top soil) should be procured from outside the forest area. The existing road should be completely destroyed below the drainage structures to make it permeable for wild animals.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the NTCA. The WII guidelines named “*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*” will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.1.6 Diversion of 1.506 ha forestland in construction of Piperiya – Pachmari to Ghana Road in Satpura Tiger Reserve, Hosanghabad by MPRRDA, PUI Piperiya

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of 1.506 ha forestland from the Satpura Tiger Reserve for the construction of road from Piperiya – Pachmari to Ghana. He added that the State CWLW has recommended the proposal without imposing the conditions. The NTCA has recommended the project with the following conditions:

- [1] Considering the ecological importance of the current road being in the core area of Satpura Tiger Reserve and low human population dependent on this road; the need for the up gradation of the current road to a metallic structure within the forest land is not justified. The metaling of the road should not be carried out. This becomes even more important in the light of recommendation of the sub – committee of Guidelines for roads in protected areas vide MoEFCC Lr. No.6-62/2013 WL date 22.12.2014, wherein it has been recommended to maintain status quo of roads passing through national park and core critical tiger habitats and no widening or up gradation is to be allowed. However, Box / slab culverts and bridges may be constructed for making it motor able during rainy season.
- [2] User agency will construct proper safety structures, along as well as across the road drainage and existing gully plugging / erosion control work which is damaging the road at present.
- [3] Legal status of road should remain unchanged. Construction of drainage structures should be during daytime (7 A.M – 5 P.M) and no night camp of labours and contractor / user agency officials inside the forest should be allowed.

- [4] Use of heavy earth moving vehicles should be made as minimum as possible since they are likely to create substantial noise pollution in the area. Whenever there is a presence of any breeding tigress (with cubs) in the area, local staff should immediately report this to the user agency so that additional precautions could be adopted during the construction work.
- [5] Construction materials (including top soil) should be procured from outside the forest area.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the NTCA. The WII guidelines named "*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*" will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.1.7 Permission for fishing in 2212.917 ha in Satpura Tiger Reserve, Hosangabad

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project for fishing lease over an area 2212.917 ha of Tawa Reservoir situated within buffer zone of the Satpura Tiger Reserve. He added that the State CWLW has recommended the proposal with the following conditions:

- [1] No mechanized boat will be used by the fishermen.
- [2] Exotic fish would not be introduced in reservoir so as to preserve the existing natural eco-system.
- [3] The permit holder should be given an option to dispose of the catch either directly or through the applicant federation.
- [4] An area at least equal to the area that is finally excluded from the National Park / Sanctuary should be added to the National Park / Sanctuary.
- [5] This entire stretch of forest requires an intensive and effective protection mechanism measures including upgrading of infrastructure. It is therefore suggested that the National Tiger Conservation Authority immediately initiate a special scheme for this purpose. The additional financial requirement if any which cannot be met from Central Assistance may be met out of the funds available with the Ad-hoc CAMPA.
- [6] Other relevant conditions mentioned in CEC report. It is also recommended that the compartments that fall under the critical tiger habitat should not be de-notified for this fishing purpose. The applicant agency will bear the cost of laying floating buoys in the reservoir. Apart

from this the applicant agency should deposit Rs. 1.20 Crore to the M P Tiger Foundation Society for the regular patrolling and vigil of the proposed area:

Patrolling Vehicle	1 Nos	16.00 Lakh
Patrolling Boats	2 Nos	50.00 Lakh
Floating Jetties	2 Nos	30.00 Lakh
Patrolling camps in buffer area	2 Nos	20.00 Lakh
Life jackets, GPS and Search Lights	-	04.00 Lakh
Total		120.00 Lakh

Further the IGF(WL) stated that the NTCA has permitted the project for fishing lease in the reservoir situated within buffer zone of the tiger reserve for a maximum period of 7 years subject to strict adherence to the following mitigation measures. This permission shall be revisited after seven years considering the tiger, other co- predators and herbivores presence and utilization of the area and corridors by them.

- [1] Department of Fisheries should identify the beneficiaries in coordination with the Forest Department and proper Identity Card should be issued to them. Emphasis should be given to the local fishermen communities instead of fishermen from other areas.
- [2] Entry and exit points, number of daily fishing permits and the timings for entry and exit by the fishermen should be fixed. No fishing should be allowed at night. A dedicated team of staff from Forest and Fisheries Departments should ensure this by checking the ID cards.
- [3] No mechanized boat should be permitted nor any destructive fishing technique (such as dynamite, chemical, etc.) be permitted. Fishing nets should not be left inside forest so as to avoid entanglement of any wildlife.
- [4] No fishing and / or camping should be allowed in the allowed in the core critical tiger habitats and the islands in the reservoir since these areas are baking, resting, feeding and breeding grounds for many species.
- [5] Department of Fisheries should ensure that no exotic species of fish is introduced in the reservoir.
- [6] Central Empowered Committee had suggested the project proponent to deposit Rs. 1.2 crore to M P Tiger Foundation Society. This money should be utilized in purchase of and maintenance of speed boat and other patrolling equipments/gears for monitoring fishing activities.

- [7] Meanwhile, State Government should actively work towards providing alternate livelihoods to the families dependent on fishing within the next 7 years (i.e. recommended lease extension period). Similar initiatives were adopted for the fishermen of Mahanadi river in Satkosia TR, Odisha. This could be achieved by creating employment with the state government, creating self-help ground encouraging small scale entrepreneurs etc. Eco-development schemes should be adopted to improve lifestyle of these communities. The fishing community should be taken on board by MP Forest Department and forest department should take initiative for imparting quality education to the younger generations of fishing communities so as to create ample employment opportunities in future. This in long run will reduce pressure on fishing and in turn on the Tawa Reservoir that is buffer area of Satpura Tiger Reserve.
- [8] No tourism or other commercial activities (such as creating market place etc.) should be permitted in the name of fishing in the area.
- [9] Whenever there is a presence of any tiger or other carnivore in the area, local staff should immediately report this to the user agency so that additional precautions could be adopted during the fishing activities.
- [10] Special care will be taken for rare aquatic species and birds while fishing. Likewise special care should be taken during breeding and migration season. Tiger Dispersal Corridor areas also need to be excluded from fishing activities.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the NTCA. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.1.8 Four laning of KL/TN border to Kanyakumari from KM 43+000 to KM 96+714 Section of NH-47 & Nagercoil to Kavalkinaru from KM 0+000 Section of NH-47B under NHDP Phase-III in the State of Tamil Nadu on EPC Mode

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of 0.88 ha forestland from the Kanyakumari Wildlife Sanctuary for the construction of four laning of KL/TN border to Kanyakumari from km 43+000 to km 96+714 Section of NH-47 & Nagercoil to Kavalkinaru from km 0+000 Section of NH-47B. He added that the State CWLW has recommended the proposal with the following conditions:

- [1] The project proponent shall plant 100 saplings (indigenous species) for every miscellaneous species felled in the interest of Environment Protection.
- [2] The project proponent should contribute under corporate social responsibilities (CSR) in the interest of Kanyakumari Wildlife Sanctuary and local livelihood and social development.
- [3] Soil conservation measures to arrest the surface runoff, removal of top soil during raining season the structure like retaining wall on the sides and putting up speed breaks in highly vulnerable stretches passing through Wildlife Sanctuary or even forest areas where instances of wildlife crossing to be insisted.
- [4] Any other condition stipulated by the Conservator of Forests / District Forest Officer shall be followed.
- [5] The project proponent shall submit an undertaking stating that no disturbance will be caused to the wildlife during project implementation.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The WII guidelines named "*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*" will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2 PROPOSALS FOR TAKING UP ACTIVITIES WITHIN 10 KM FROM THE BOUNDARIES OF PROTECTED AREAS

48.4.2.1 Proposal for Wildlife Clearance for creation of Infrastructure Facilities for development of Naval Air Station (NAS) by Indian Navy, NAS, Shibpur

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the creation of infrastructure facilities for development of Naval Air Station for Indian Navy over an area 100.0 ha of reserve forestland falling outside of the notional ESZ of Saddle Peak National Park. He added that the State CWLW recommended the proposal with the condition that the project proponent shall provide suitable facilities / space in the premises of Naval Air Station, Shibpur to the officers and staff of Forest Department to check the movement of wildlife articles and forest produce through the Air Station.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.2 Proposal for use of 417.35 ha land for mining activity within 10 km ESZ of Gir Wildlife Sanctuary

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the mining of limestone over an area 417.35 ha (*414.8493 ha of private revenue land and 2.5091 ha of Government wasteland*) at Sugala and Jagatiya villages and are situated at 6.25 km away from the boundary of Gir Wildlife Sanctuary. He added that the State CWLW has recommended the proposal with the following conditions:

- [1] The User Agency shall not harm or destroy wildlife habitat including fauna and flora of the Kutch Desert Sanctuary.
- [2] The User Agency shall not take up any activity / dumping material / construction / filling up land in any manner which obstruct the natural flow of water.
- [3] The User Agency shall make permanent arrangement so that no polluted water enters Sanctuary or any solid / liquid waste enters the Sanctuary area.
- [4] The User Agency shall have to create 10 m wide green belt around mining area.
- [5] The User Agency shall prepare closure plan and ensure that the mining area is brought back to its original form on completion of mining activity.
- [6] The said area shall be developed and maintained as natural forest area after completion of the project.
- [7] All workers / employees engaged in the project shall have to compulsorily undergo primary exposure of wildlife at User Agency's cost.
- [8] A Wildlife Conservation Plan shall be prepared by the User Agency and shall have to be approved by the Chief Wildlife Warden and same shall be implemented at User Agency's cost.
- [9] PIL No.88 /2017 has been filed before Hon'ble High Court of Gujarat related to ESZ of Gir Protected Area and Hon'ble High Court has issued stay order on final notification of ESZ of Gir Protected Area. The final orders issued by Hon'ble High Court in the matter shall be fully binding to the User Agency.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.3 Proposal for use of 28.00 ha of land for mining activity within 10 km ESZ of Kutch Desert Sanctuary

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the mining of china clay over an area 28.0 ha at village Nariyeli falling at 6.8 km away from the boundary of Kutch Desert Sanctuary. He added that the State CWLW has recommended the proposal with the following conditions:

- [1] The User Agency shall not harm or destroy wildlife habitat including fauna and flora of the Kutch Desert Sanctuary.
- [2] The User Agency shall not take up any activity / dumping material / construction / filling up land in any manner which obstruct the natural flow of water.
- [3] The User Agency shall make permanent arrangement so that no polluted water enters Sanctuary or any solid / liquid waste enters the Sanctuary area.
- [4] The User Agency shall have to create 24 m wide green belt around mining area.
- [5] The User Agency shall prepare closure plan and ensure that the mining area is brought back to its original form on completion of mining activity.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.4 Proposal for construction of berths for disposal of oil product within ESZ of Marine National Sanctuary

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves construction of berth-C and berth-D of each dimension 150 m X 20 m with an interconnecting trestle and associated facilities for the disposal of oil products over an area 0.30 ha of the notified ESZ of Marine National Sanctuary. He added that the State CWLW has recommended the proposal with the following conditions:

- [1] The User Agency shall not violate any regulatory provisions under Section 9, 17A, 27, 29, 30, 31 and 32 of Wildlife (Protection) Act, 1972.
- [2] The User Agency shall not destroy wildlife habitat including fauna and flora of the Marine National Sanctuary.
- [3] Approval under Forest Conservation Act 1980, if required shall be obtained separately for use of forestland.
- [4] The User Agency shall ensure that oil is not spilled during execution of the work.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.5 Diversion of 2.80 ha of forestland for the construction of PMGSY from Rampur to Bhatodi within 10 km periphery of Satpura Tiger Reserve, Hosangabad by MPRDC, Betul

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the use of forestland 2.80 ha for the up-gradation of the existing road of 8.5 m to 9.0 m width and 3.2 km of length falling outside of the notified ESZ of Satpura Tiger Reserve. He added that the State CWLW has recommended the proposal with the condition that the User Agency shall not violate any regulatory provisions of Wildlife (Protection) Act, 1972 and construct underpasses / overpasses at strategic locations in consultation with the approval of the State Forest Department. The NTCA has also recommended the proposal for up-gradation of the existing road subject to the strict adherence to the following mitigation measures:

- [1] Construction work should be done during daytime and no night camp of labors and contractor / officials of User Agency inside the forest should be allowed. The User Agency should also monitor that no labor gets involved in extraction of forest products. Local RFO and forest staff should make regular and sudden visits to the construction sites for monitoring these.
- [2] The materials for road work (including the top soil) should be procured from outside the forest area. The user agency should not use any fire hazardous materials, machinery, polythene bags, etc. during the road work.
- [3] Considering the topography of the area, there is little scope of creating underpasses for animal movements. However, depending upon the drainage structures and evidence of wildlife

crossings, the team has identified following 16 locations where besides imposing speed restrictions, speed breakers should be constructed by the user agency:

S.No.	Latitude	Longitude	Structure Proposed
1	22.3826 N	78.1895 E	Slab culvert*
2	22.3734 N	78.1897 E	Speed Breaker
3	22.3722 N	78.1898 E	Speed Breaker
4	22.3704 N	78.1895 E	Speed Breaker
5	22.3679 N	78.1894 E	Speed Breaker
6	22.3646 N	78.1894 E	Speed Breaker
7	22.3644 N	78.1892 E	Speed Breaker
8	22.3622 N	78.1896 E	Speed Breaker
9	22.3586 N	78.1890 E	Speed Breaker
10	22.3563 N	78.1881 E	Speed Breaker
11	22.3551 N	78.1890 E	Speed Breaker
12	22.3537 N	78.1878 E	Speed Breaker
13	22.3408 N	78.1813 E	Speed Breaker
14	22.3510 N	78.1877 E	Speed Breaker
15	22.3482 N	78.1884 E	Speed Breaker
16	22.3461 N	78.1889 E	Speed Breaker

**Dimensions should be in accordance with WII Guidelines (WII, 2016)*

- [4] The NPV amount deposited by the User Agency should be used by the Forest Department to erect one additional check post preferably where the road enters buffer zone of the Tiger Reserve.
- [5] Vehicular movement at nights and regular plying of heavy commercial vehicles should be regulated by the Forest Department.
- [6] Signage and caution boards should be placed at regular intervals for spreading awareness messages.
- [7] Since the existing road will be upgraded, therefore, no tree needs to be cut for implementing this project. Local forest staff should monitor this.
- [8] The State CWLW should constitute a committee comprising of the representatives from MPFD, MPRRDA, NTCA and local NGOs to supervise the compliance of the conditions laid in this report during various phases of project implementation.

After discussions the Standing Committee felt that the proposal has got no merits to be considered under the provisions of the Wildlife (Protection) Act, 1972 and decided that the proposal be send back to State Government.

48.4.2.6 Construction of Sontalai – Bagratawa double broad-gauge railway line situated in 10 km periphery of boundary of Satpura Tiger Reserve, Hosangabad

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the use of forestland 13.32 ha for the construction of Sontalai – Bagratawa double broad-gauge railway line falling outside of the notified ESZ of Satpura Tiger Reserve. He added that the State CWLW Warden has recommended the proposal with the condition that the User Agency shall not violate any regulatory provisions of Wildlife (Protection) Act, 1972 and construct underpasses / overpasses, fencing, etc. at strategic locations in consultation with the State Forest Department. The NTCA has recommended the proposal subject to the strict adherence to the following mitigation measures:

- [1] The abrupt change of soil required to establish the railway embankment leads to vegetation loss, compresses the soil, and compromises water drainage leading to erosion. Moreover, railway construction parallel to rivers/streams can result in hydrological disconnections that dry the soil and may have a significant impact on the ecological function of riparian landscapes. Therefore, construction of the new railway track should be subject to detailed hydrological, topographical and soil surveys by independent agencies. The project proponent should ensure that no existing drainage is blocked due to the construction.
- [2] The Elephant Task Force Report to Government of India identifies various contributing factors to train hit deaths: ecological (food, water, shelter, vegetation and movement routes), physical (steep embankments and turnings), and technical (train speed, frequency and time, unmanaged disposal of edible waste), and lack of awareness among drivers passengers, and planners. These factors should be kept in mind during post project implementation.
- [3] Considering the likelihood of animal movement in the area (as evidenced from Figure 2), at least 20% of the proposed railway track alignment passing through forest land should be under mitigation measures (underpasses, fencing, etc.). Topographic features, maximum animal movement and drainage patterns should be the predetermining factors behind placement of these mitigation structures on ground.

- [4] The project proponent has already proposed five RCC box culverts in the entire stretch. The underpasses should be structured in a manner so that have height at least equal to their width, and openings that allow unobstructed view of habitat so as to maximize their use by wildlife. Since the adjoining landscape does not have elephant or gaur, a minimum span of 30 m with a height of 5 m and a width of 5 m to 8 m would suffice for the railway track passing through the area. The 30 m span refers to clear open passageways excluding the support pillars (WII 2016).
- [5] To prevent large animals from being trapped in railway tracks between steep embankments, their entry into such areas should be discouraged by installing cattle proof barriers or reinforced fences (rail tracks are most suitable for use as fence posts) along the stretches of the alignment with maximum animal movements. Exact placement of these fences should be decided in coordination with the local forest officials.
- [6] Steps should be taken for enhancing the visibility for train drivers along sensitive sections by clearing vegetation, leveling mounds (under supervision of Forest Department) and putting solar-light posts at appropriate places.
- [7] A joint team comprising of watchmen of forest and railway departments (equipped with wireless sets) should patrol critical sections of the track (24 X 7 basis) and warn the train drivers whenever necessary. A separate team needs to be engaged for disposing food waste and other garbage from the tracks regularly which otherwise might attract animals to approach the track. Standardized signage should be erected at appropriate places along the track sensitizing the drivers and guards.
- [8] Construction work should be carried out during daytime (6 A.M to 6 P.M) and no night camp of labors and contractor/user agency officials should be allowed within 2 km from the forest area. User agency should also monitor that no labor gets involved in extraction of forest products. Local RFO and forest staff should make regular and sudden visits to the construction sites for monitoring these.
- [9] Light and sound barriers should also be created along the railway as per WII's recommendations (WII 2016).
- [10] The NPV amount deposited by the user agency should be used for mitigating already existing railway track (if not done earlier) passing through the forest land as per the guidelines prescribed above.
- [11] The CWLW, Madhya Pradesh should constitute a monitoring committee comprising for forest officials of Satpura Tiger Reserve, NTCA, Indian Railway and local NGO representatives to supervise the compliance of the conditions laid in this report during various phases of project implementation.

After discussions the Standing Committee felt that the proposal has got no merits to be considered under the provisions of the Wildlife (Protection) Act, 1972 and decided that the proposal be send back to State Government.

48.4.2.7 Construction of Majhagaon Irrigation Project falls within 10 km periphery of Panna Tiger Reserve

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the use of an area 426.763 ha (includes 42.831 ha of buffer area) for the construction of Majhagaon Irrigation Project in the notified ESZ of Panna Tiger Reserve. He added that the State Chief Wildlife Warden has recommended the proposal with the condition that the project proponent should ensure no damage to wildlife. The NTCA has recommended the proposal subject to the strict adherence to the following mitigation measures:

- [1] Considering wildlife area from territorial and tiger reserve jurisdiction is proposed for submergence which is direct loss of distribution and dispersal area of wildlife. Reduced flow of the water will have adverse impact on Gharial conservation in Ken Gharial Sanctuary. These call for both mitigation and prevention measures to deal with the loss and potentially emerging threats. The project proponent needs to consider mitigation in the form supporting buffer management and inputs in the territorial division and for this; certain funds (Rs. 10 crore for Panna Tiger Reserve and Rs. 8 crore for Ken Gharial Sanctuary) shall be made to Tiger Reserve Foundation. These funds would be utilized to enhance the protection measures, habitat recovery, man-animal conflict mitigation, Gharial Recovery Program and monitoring in the buffer and territorial area as well as Gharial sanctuary.
- [2] Continued use of compensated land between FRH and LRH for agriculture will create man-animal conflict. In this case, user agency and the concerned forest authorities shall ensure that the compensated land is completely free from encroachment.
- [3] Forest Department shall have right to sue water for conservation purpose, and tourism activity should be controlled and the plan should have prior approval of the reserve management and in accordance with the normative guidelines for tourism issued by National Tiger Conservation Authority.
- [4] 5% of annual profit from irrigation and electricity generation shall be shared with tiger reserve foundation.

- [5] Catchment area treatment plan shall be prepared and executed at the cost of user agency.
- [6] No labour settlements should be allowed in the forest during and post construction. No bio-resources should be used from the neighboring forests.
- [7] Labourers should strictly be prohibited from hunting. The construction company should be held responsible if it labourer and personnel report poaching.
- [8] It should be ensured that there would be minimum flow requirement to sustain Ken Gabriel sanctuary. This needs to be developed in consultation with the concerned institution.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the NTCA. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.8 Stone mine project in 1.10 ha on private land at Kewadiya Viillage, Indore Tehsil of M/s. Chandra Shekhar Patidar

The IGF(WL) mentioned that the proposal involves the use of private land 1.10 ha for the collection of boulder / gitti situated at 5.776 km away from the boundary of the Ralamandal Wildlife Sanctuary. He also stated that the State CWLW has recommended the proposal with the condition that the proponent should ensure no damage to wildlife.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.9 Stone mine project in 2.00 ha on private land at Umariya Khurd Viillage, Indore Tehsil of M/s. Rajkumar Jat

The IGF(WL) mentioned that the proposal involves use of private land of 2.0 ha for the collection of boulder / gitti situated at 3.07 km away from the boundary of the Ralamandal Wildlife Sanctuary. He also stated that the State CWLW has recommended the proposal with the condition that the proponent should ensure no damage to wildlife.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.10 Proposed residential and commercial project S.No.42 N.S.No.55/1A(P) O.S.No.42 (N.S.No.55/1B(p) at village, Mogharpada, Thane (W), Dist. Thane

The IGF(WL) mentioned that the proposal involves construction of residential and commercial complex on private land 8330.35 sq.mt situated at 2.09 km away from the boundary of the Tungareswar Wildlife Sanctuary. He also stated that the State CWLW has recommended the proposal with the following conditions:

- [1] The project proponent assures and abides to comply the conditions laid down by MoEF&CC for Environmental Clearance.
- [2] Natural growing trees which may be earmarked for retention during EIA exercise of wildlife species like Wad (*Ficus bengalensis*), Pair, Mango, Karanj and other fruit bearing trees shall be retained from the list of tree enumerated in EIA report as submitted by the project proponent.
- [3] The project proponent will provide Rs. 100 lakh to be deposited with the Chief Conservator of Forest & Director, Sanjay Gandhi National Park, Borivali for habitat development, protection and conservation of Sanjay Gandhi National Park, Borivali and Tungareswar Wildlife Sanctuary in accordance with the approved Management Plan.

The IGF(WL) also stated that the State Government recommended the project with the condition that the project proponent will deposit 2% of the total project cost with the Sanjay Gandhi National park, Borivali and fulfill the condition laid down as per the recommendations of the Expert Committee and by the Chief Wildlife warden, Maharashtra State.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.11 Proposal for wildlife clearance for use of 36.98 ha of proposed ESZ for the expansion by addition of 1 X 135 MW (GCPP & In-lieu of the one of the existing 60 MW unit) and 1 X 135 MW (IPP) imported coal based thermal power plant

The IGF(WL) mentioned that the proposal involves the use of 36.98 ha of notional ESZ area for the expansion of thermal operation by addition of 1 X 135 MW (GCPP & In-lieu of the one of the existing 60 MW unit) and 1 X 135 MW (IPP) imported coal based thermal power plant located at Sithurnatham, Siruzhapettai, Eguvarapalayam villages of Gummidipoondi Taluk, Thirvallur District located at 7.0 km away from the boundary of the Pulicat Bird Sanctuary. He also stated that the State CWLW has recommended the proposal with the following conditions:

- [1] The project proponent should contribute under corporate social responsibilities (CSR) in the interest of Pulicat Bird Sanctuary and local livelihood and social development.
- [2] Any other condition stipulated by the Additional Principal chief Conservator of Forests and Director / Wildlife Warden shall be followed.
- [3] The project proponent shall submit an undertaking stating that no disturbance will be caused to the wildlife during the project implementation.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.4.2.12 Proposal for clearance of 257.1154 ha of area in Manuguru Forest Division and 185.8437 ha of area in Paloncha Forest Division falling in ESZ of Kinnerasani Wildlife Sanctuary out of which 202.5612 ha is forest area and 54.5542 ha is non-forest area in Manuguru Forest Division and 72.8788 ha is forest area and 112.9649 ha is non-forest area in Paloncha Forest Division respectively for Sitarama Lift Irrigation Project

The IGF(WL) mentioned that the proposal involves the use of 257.1154 ha of area in Manuguru Forest Division and 185.8437 ha of area in Paloncha Forest Division falling in ESZ of Kinnerasani Wildlife Sanctuary out of which 202.5612 ha is forest area and 54.5542 ha is non-forest area in Manuguru Forest Division and 72.8788 ha is forest area and 112.9649 ha is non-forest area in Paloncha Forest Division respectively for the construction of the Sitarama Lift Irrigation Project. He also stated that the State CWLW has recommended the proposal with the following conditions:

Paloncha Forest Division

- [1] The User Agency shall provide funds for taking up the following mitigation measures to minimize the impact of the project on the wildlife of the area as under:

S.No.	Component	Physical	Amount (Rupees in lakh)
1	Construction of 39 underpasses for wild animals to cross with a height of 4 m and width of 6 m by the User Agency at their cost	12 Nos	To be taken up the User Agency
2	Development of natural grass land and maintenance for three years including 3 m wide fire line around the grass land @ Rs. 18000 per ha based on 2017-18 FSR	20 ha	3.600
3	Desilting and deepening of tanks	12 Nos	6.000
4	Desilting and development of water holes	30 Nos	1.821
5	Providing base camp for three years	2 Nos	42.669
6	Providing strike force for three years	1 No	38.667
7	Provision of saucer pits	30 Nos	1.655
8	Providing salt licks	-	1.000
9	Public awareness programs	-	2.961
10	Construction of percolation tank	2Nos	10.000
11	Installing solar energized pumps for filling the percolation tanks	2 Nos	10.000
12	Vaccines deworming to wild animals	LS	5.000
Total			123.373

- [2] User Agency shall provide water from the pipeline passing through the wildlife area for filling up the percolation tanks and saucer pits at locations indicated by DFO.
- [3] User Agency shall fell only the barest minimum number of trees while executing the work.
- [4] The works shall be carried out manually without disturbing or damaging flora, fauna or habitat of the area.
- [5] Work shall be carried from 6 A.M to 6 P.M only.
- [6] The material for carrying out the proposed works shall be kept outside the Tiger Reserve only. As and when required they should be carried out to the site during execution only.
- [7] No labour camp should be established inside the tiger reserve during the execution of the work.
- [8] The debris from due to the execution of the work shall be taken away from the Tiger Reserve on day-to-day basis.
- [9] The user agency shall construct masonry pillars to demarcate the proposed area at every 25 m interval.

Manuguru Forest Division

- [1] The User Agency shall provide funds for taking up the following mitigation measures to minimize the impact of the project on the wildlife of the area as under:

S.No.	Component	Physical	Amount (Rupees in lakh)
1	Construction of 39 underpasses for wild animals to cross with a height of 4 m and width of 6m by the User Agency at their cost	12 Nos	To be taken up the User Agency
2	Construction of one eco-bridge by the User Agency across the canal at a location indicated by DFO with a width of 20 m and approach width of 30 m on either side with vegetation consisting fo shrubs and grasses. The work is to be executed by the User Agency at heir cost	1 No	To be taken up the User Agency
3	Development of natural grass land and maintenance for three years including 3 m wide fire line around the grass land @ Rs. 18000 per ha based on 2017-18 FSR	10 ha	1.800
4	Desilting and deepening of tanks	13 Nos	5.000
5	Desilting and development of water holes	6 Nos	0.364
6	Providing bas e camp for three years	1Nos	32.769
7	Providing strike force for three years	1 No	38.667
8	Provision of saucer pits	100 Nos	5.490
9	Providing salt licks	-	3.500
10	Public awareness programs	-	6.000
11	Construction of percolation tank	2Nos	10.000
12	Installing solar energized pumps for filling the percolation tanks	2 Nos	10.000
13	Vaccines de-worming to wild animals	LS	4.626
Total			118.216

- [2] User Agency shall provide water from the pipeline passing through the wildlife area for filling up the percolation tanks and saucer pits at locations indicated by DFO.
- [3] User Agency shall fell only the barest minimum number of tress while executing the work.
- [4] The works shall be carried out manually without disturbing or damaging flora, fauna or habitat of the area.
- [5] Work shall be carried from 6 A.M to 6 P.M only.
- [6] The material for carrying out the proposed works shall be kept outside the Tiger Reserve only. As and when required they should be carried out to the site during execution only.

- [7] No labour camp should be established inside the tiger reserve during the execution of the work.
- [8] The debris form due to the execution of the work shall be taken away from the Tiger Reserve on day-to-day basis.
- [9] The user agency shall construct masonry pillars to demarcate the proposed area at every 25 m interval.

The Member Secretary stated that the project proponent should deposit fund in the Bio-diversity Conservation Society of Telangana (BIOSAT) Account, the Chief Wildlife Warden, Telangana for implementation of mitigation measures.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the Member Secretary. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

AGENDA ITEM NO. 5

48.5. AGENDA ITEMS PLACED WITH THE PERMISSION OF THE CHAIR

48.5.1 Hon'ble Supreme Court order dated 05/10/2015 in I.A. no. 3789/2014 in W.P. (C) 202/1995 w.r.t diversion of 35 sq. mts. of forestland from East Island Wildlife Sanctuary for installation of coastal surveillance RADAR, Andaman & Nicobar Islands

The IGF(WL) briefed the Standing Committee and stated that the Standing Committee of NBWL in its 28th meeting held on 20th March, 2013 has recommended the proposal of diversion of 35 sq.mt forestland from East Island Wildlife Sanctuary for installation of coastal surveillance RADAR, Andaman & Nicobar Islands. Hon'ble Supreme Court vide order dated 13.11.2000 had directed that "*no de-reservation of forest / Sanctuaries / National Parks shall be effected*". Thereafter, in pursuance of the said order, any proposal for diversion land from Sanctuaries & National Parks is submitted before the Hon'ble Supreme Court for final approval.

The IGF(WL) stated that the State Government had filed an Interim Application no. 3789 of 2014 in W.P.(C) 202/1995, which the Hon'ble Supreme Court disposed off vide order dated 05th October, 2015 and referred the matter again to the Standing Committee of NBWL.

The proposal is returned to the State Government with intimation to the project proponent for going ahead since the proposal was recommended by the Standing Committee of NBWL in its 28th meeting held on 20.03. 2013.

48.5.2 Proposal for installation of co-located strong motion sensors, GPS receivers and metrological sensors with real time VSAT connectivity at Wandoor South Andaman by Directorate of Disaster Management

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project is for installing co-located strong motion sensors, GPS receivers and metrological sensors with real time VSAT connectivity over an area of 100.0 sq.km of reserve forestland located at 180 m away from the Mahatma Gandhi Marine National Park and 870 m away from the Lohabarrack Crocodile Sanctuary. He added that the State CWLW has recommended the proposal with the condition that the user agency should share the information gathered through this centre with the Department of Environment & Forests. The project proponent should also allow the park official to use the communication system in case of any emergency.

After discussions the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

48.5.3 Construction of Stand along ring road / bypass around Srinagar city under NHDP Phase VII permission for taking up non-forestry activities near Hokersar Wetland Reserve and Mirgund Wetland Reserve

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the construction of stand along ring road / bypass around Srinagar city located at 215 m away from Hokersar Wetland Reserve and 159 m away from Mirgund Wetland Reserve. He added that the State CWLW.

After discussions the Standing Committee felt that the proposal has got no merits to be considered under the provisions of the Wildlife (Protection) Act, 1972 and decided that the proposal be send back to State Government.

48.5.4 Diversion of 595.64 ha of forestland in Karwar, Yellapura and Dharwad Division for the construction of New Broad Gauge Railway line of Hubballi - Ankola

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of cumulative forestland 595.64 ha (42.0 ha from Dharwad Elephant Corridor + 304.06 ha from Yellapura Elephant Corridor + 249.58 ha from Kanwar elephant Corridor) from three elephant corridors for the construction of new broad gauge railway line from Hubballi to Ankola. He added that the State CWLW has recommended the proposal with the condition that the mitigation measures suggested by the IISc Bangalore must be strictly implemented. He also stated that it was mentioned in the Part IV of the proposal that the *post facto* approval of the project will be taken in the forthcoming meeting of the SBWL.

Further the IGF(WL) stated that the Site Inspection Committee of NTCA has not recommended the proposal as the proposed railway line from Hubballi to Ankola passes through Uttara Kannada district which has very forest cover and cuts across the Western Ghats, which are a biodiversity hotspot and a world heritage site. It also fragments the old migration path of India elephants. Out of the 6 tiger occupied landscapes of India, currently the Western Ghats landscape possesses best habitat connectivity and contiguity. The Tiger occupancy in the Western Gats landscape is highly dynamic and shows spatial and temporal variation. Moreover, the recent research has highlighted that future of tigers in India depends on conserving the habitat connectivity isolated tiger population of tiger reserves. The proposed railway line will be having significant negative impact on long term conservation of tigers and other mega herbivores in the Western Ghats landscape by fragmenting existing habitat connectivity and contiguity.

After discussions the Standing Committee decided that a committee comprising of one representative of WII, one representative of NTCA and one person from the Wildlife Division would visit the site and submit the report to the Ministry within 30 days for further consideration and this matter will be placed in the next meeting of the Standing Committee of NBWL.

48.5.5 Construction of 4-lane Road on NH-12 (New NH-52) from Km 289.500 to 299.000 (Design Chainage from -0.050 to 9.860) (Darah-Jhalawar-Teendhar Section) including 6-lane Elevated Section in Mukandra National Park in the State of Rajasthan under NHDP Phase-III on EPC Mode (Length 9.910 km.)- Package -I

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of 24.1196 ha forestland from the Mukundara Hills Tiger Reserve for the construction of 4-lane Road on NH-12 from Km 289.500 to 299.000 (Chainage from -0.050 to 9.860) (from Darah to Jhalawar to Teendhar Section). He added that the State CWLW has recommended the proposal with the following conditions:

- [1] 5% of proportionate cost of the project within the boundary of Mukundara Hills Tiger Reserve will be deposited by the User Agency in the account of Rajasthan Protected Areas conservation Society (RPACS) for wildlife conservation and mitigation works.
- [2] To resist movement of wild animals towards the railway track in the initial three km 9 Design chainages km 2.800 to 5.800) of tiger reserve, adequate mitigative measures such as wall / chainlink fencing will be constructed by the User Agency to stop accidents.
- [3] Signage's about information for the wild animals in the area control of the traffic volumes, speed, etc. should be erected.
- [4] No work shall be done before sunrise and after sunset in the protected area.
- [5] No material of any kind should be extracted from the protected area.
- [6] There will be no felling of trees and burning of fuel wood inside the sanctuary.
- [7] The waste material generated should be disposed outside the protected area by the User Agency.
- [8] There will be no labour camp inside the sanctuary.
- [9] No blasting will be carried out in the sanctuary area during the work.
- [10] The User Agency and project personnel will comply with the provisions of the Wildlife (Protection) Act, 1972.

Further the IGF(WL) stated that the NTCA has recommended the proposal with the following mitigation measures:

- [1] The solid section of the road needs to be fenced on both sides at the cost of user agency so that wild animals can be funneled to move the six underpasses.
- [2] Upon completion of highway expansion, the existing road below the elevated section should either be dismantled or traffic should be completely regulated by erecting check posts at both ends and placing speed breakers at regular intervals. The National Highway authorities along with the tiger reserve staff should keep provisions for monitoring wild animal movement below the elevated section as well as through the underpasses in the solid section following completion of construction.

- [3] The mitigation measures proposed as part of the National Highway expansion appear to be adequate as well as appropriate. However, the underpasses should be structured in a manner such that the openings should allow unobstructed view of habitat so as to maximize their use by wildlife. Since Mukundra Hills Tiger Reserve not have elephant or gaur, a minimum span of 50 m with dimensions as mentioned above would work. The 50 m span refers to clear open passageways excluding the support pillars (WII guidelines, 2016). Light and should barriers and vegetative camouflage should also be created along the road as per WII guidelines, 2016.
- [4] Some trees would have to be cut for widening to the highway. These trees should be identified in construction with the Forest Department before the construction starts and should be properly marked on ground. Attempt should be made that minimal trees are cut for road widening. Local RFO and front line staff should strictly monitor this.
- [5] Construction work should be during daytime (7 A.M to 5 P.M) and no night camp of labors and contractor/user agency officials inside the forest should be allowed. Use of heavy earth moving vehicles should be made as minimum as possible since they are likely to create substantial noise pollution in the area. The Forest Department and user agency should ensure that the construction period within MHTR is kept minimal since construction work continued for a longer duration might completely decimate the wildlife populations in the area beyond recovery.
- [6] Construction materials (including top soil) should be procured from outside the forest area. The existing alignment should be completely destroyed as soon as constructing of the new alignment is over so as to avoid traffic and ensure emergence of vegetation.
- [7] While, in the initial stretch of approximately 3 km the railway line adjoining the highway is a serious barrier for wild animal movement, construction of over passes at appropriate places (of at least 200 meters span each) for wild animal movement in this dip section appear to be a feasible option and needs to be taken up urgently with the concerned railway authorities. It is recommended that the geo-locations of these over passes should be finalized by the railway authorities concerned in consultation with CWLW / FD, MHTR, NTCA & WII representatives ., Also, in the intervening stretch on the side of the railway track adjoining the NH, physical barriers like guard wall should be constructed at the cost of user agency and the other side of railway track facing the hillock should be fenced so that wild animals can be funneled to use the overpasses.
- [8] The CWLW, Rajasthan should constitute a monitoring committee comprising of FD, DFO and other forest officials of MHTR, NTCA, WII and NHAI representatives to supervise the

compliance of the conditions recommended by NTCA during phases of the project implementation.

After discussions, the Standing Committee decided to recommend the proposal along with the conditions and the wildlife mitigation measures stipulated by the State CWLW and the NTCA. Further the Standing Committee accepted the requisition of the project proponent to fell barest minimum number of trees and controlled blasting during the execution of the project. The WII guidelines named "*Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife*" will be adopted by the State / User Agency. The annual compliance certificate on the stipulated conditions should be submitted by the User Agency to the State CWLW.

ANNEXURE I

LIST OF PARTICIPANTS

1	Shri Harsh Vardhan Hon'ble Minister for Environment, Forest & Climate Change	Chairman
2	Shri C K. Mishra, Secretary, MoEF&CC	Member
3	Shri Siddhanta Das, DGF&SS, MoEF&CC	Member
4	Shri Manmohan Singh Negi, ADGF(WL), MoEF&CC	Member Secretary
5	Dr H S Singh, Member, NBWL	Member
6	Shri R D Kamboj, Member, NBWL	Member
7	Shri Debabrata Swain, ADGF, Member Secretary, NTCA	Invitee
8	Shri Soumitra Dasgupta, IGF(WL), MoEF&CC	Invitee
9	Shri Nishant Verma, DIGF(NTCA)	Invitee
10	Shri P Mallikarjuna Rao, PCCF & HOFF, Andhra Pradesh	Invitee
11	Shri Manoj Pant, PCCF & CWLW, Jammu & Kashmir	Invitee
12	Shri D V S Khati, PCCF&CWLW, Uttarakhand	Invitee
13	Shri G K Sinha, PCCF & CWLW, Gujarat	Invitee
14	Shri P K Jha, PCCF & HOFF, Telangana	Invitee
15	Dr Y V Jhala, Scientist, WII Dehradun	Invitee
16	Smt R Sobha, APCCF(FCA), Telangana	Invitee
17	Shri Bharat Jyoti, APCCF & CWLW, Bihar	Invitee
18	Shri Alok Kumar, APCCF(WL), Madhya Pradesh	Invitee
19	Shri P S Somasekhar, IGF(NTCA), R O Bangalore	Invitee
20	Shri S S Bajaj, APCCF(WL), Chhattisgarh	Invitee
21	Shri G V Reddy, APCCF & CWLW, Rajasthan	Invitee
22	Shri J L N Murthy, CCF, Andhra Pradesh	Invitee
23	Shri V Saibaba, DFO, Andhra Pradesh	Invitee
24	P. Ravi, Scientist (WL), MoEF&CC	Invitee

**Diversion of 595.64 ha of forest land in Karwar, Yellapura and
Dharwad Divisions for the construction of new broad gauge
railway line of Hubballi – Ankola**

(Site Inspection Report)



Submitted to

**Ministry of Environment, Forest and Climate Change,
Government of India**

August 2018

Front cover: Landscape through which the proposed broad gauge railway track is likely to pass

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INTRODUCTION

The Western Ghats are internationally recognized as a region of immense global importance for the conservation of biological diversity, besides containing areas of high geological, cultural and aesthetic values. The hill ranges of the Western Ghats extend along the west coast of India from the river Tapti in the north to the southern tip of India. Older than the Himalaya mountains, the mountain chain of the Western Ghats represents geomorphic features of immense importance with unique biophysical and ecological processes. The site's high montane forest ecosystems influence the Indian monsoon weather pattern. Their positioning makes the Western Ghats biologically rich and biogeographically unique. Though covering an area of 180,000km², or just under 6 per cent of the land area of India, the Western Ghats contain more than 30 per cent of all plant, fish, herpetofauna, bird, and mammal species found in India. Many species are endemic, such as the Nilgiritahr and the lion-tailed macaque. In fact, 50 per cent of India's amphibians and 67 per cent of fish species are endemic to this region and out of 49,219 recorded Indian plant species, 1600 endemic (40% of total number of endemics) are found in the Western Ghats. In particular, the level of endemism for some of the 4-5,000 plant species recorded in the Ghats is very high: of the nearly 650 tree species found in the Western Ghats, 352 (54%) are endemic. Animal diversity is also exceptional, with amphibians (up to 179 species, 65% endemic), reptiles (157 species, 62% endemic), and fishes (219 species, 53% endemic). Invertebrate biodiversity, once better known, is likely also to be very high (with some 80% of tiger beetles endemic). A number of flagship mammals occur in the property, including parts of the single largest population of globally threatened 'landscape' species such as the Asian Elephant, Gaur and Tiger. Endangered species such as the lion-tailed Macaque, NilgiriTahr and Nilgiri Langur are unique to the area. The property is also key to the conservation of a number of threatened habitats, such as unique seasonally mass-flowering wildflower meadows, Shola forests and Myristica swamps.

The distribution and magnitude of the biodiversity that exists today is a product of over 3.5 billion years of evolution, involving speciation, migration, extinction and more recently, human influence. The region demonstrates speciation related to the breakup of the ancient landmass of Gondwanaland in the early Jurassic period; secondly to the formation of India into an isolated landmass and the thirdly to the Indian landmass being pushed together with Eurasia. Together with favourable weather patterns and a high gradient being present in the Ghats, high speciation has resulted. The Western Ghats is an "Evolutionary Ecotone" illustrating "Out of Africa" and "Out of Asia" hypotheses on species dispersal and vicariance.

The forests of the Ghats include some of the best representatives of non-equatorial tropical evergreen forests anywhere. It includes a diversity of ecosystems ranging from tropical wet evergreen forests to montane grasslands containing numerous medicinal plants and important genetic resources such as the wild relatives of grains, fruit and spices. They also include the unique shola ecosystem which consists of montane grasslands interspersed with evergreen forest patches. Forests of Western Ghats play a significant and important ecological function in sequestration of atmospheric CO₂ and hence have an important role in climate

change. Considering these values the Western Ghats is recognized as one of the world's eight 'hottest hotspots' of biological diversity and a UNESCO world Heritage Site in 2012.

The region has a spectacular assemblage of large mammals - around 30 per cent of the world's Asian elephant population and 17 per cent of the world's existing tigers call this area their home. With an estimate of 776 (range: 685 – 861) tigers inhabiting, the Western Ghats supports the largest tiger population in India (Jhala et al. 2015) and 18,973 km² landscape has been identified as a Global Priority Tiger Conservation Landscape (Dinerstein et al. 2006). Protection for these is extended through several nationally significant wildlife sanctuaries, tiger reserves, and national parks.

The Western Ghats also perform important hydrological and watershed functions. The Ghats apart from being a store house of tropical biodiversity are also a source of 38 east flowing rivers and 27 flowing into the Arabian Sea with Godavari, Krishna, Mandovi, Cauvery and Zuari being some prominent ones. Approximately 245 million people live in the peninsular Indian states that receive most of their water supply from rivers originating in the Western Ghats. Thus, the soil and water of this region sustain the livelihoods of millions of people. With the possible exception of the Indo-Malayan region, no other biodiversity hotspot impacts the lives of such a large population.

BACKGROUND & JUSTIFICATION FOR THE PROJECT

Ministry of Railways (MoR), Government of India (GoI) in the annual railway budget of 1997-98, had announced a new alignment for a broad gauge railway line from Hubballi (Dharwad district) to Ankola (Uttara Kannada district) in the state of Karnataka with an anticipated cost of Rs. 483.15 Cr. The estimates for the initial stretch of 50 km track (from Hubballi to Kalaghatagi) was sanctioned by MoR in 1990 and activities like land acquisition was started. For sharing the cost of project on 50:50 basis, a Memorandum of Understanding (MoU) was signed between MoR and Karnataka Rail Infrastructure Development Enterprise (KRIDE), a Government of Karnataka agency.

This railway line was primarily planned to serve freight traffic. As per the earlier project documents, the main purpose for proposing a new broad gauge line was primarily for transportation of iron and manganese ore from Bellary – Hospeth region to upcoming two new ports of Tadri (near Ankola) and Karwar on the western coast of Karnataka and also to the existing ports of Vasco and Madgaon in Goa. Till recent years, on the West Coast, the Rail Links to the hinterland was through Meter Gauge (MG) route from Londa–Vasco and Hassan–Mangalore routes. Londa–Vasco route was converted into Broad Gauge (BG) during 1995-98. Konkan Railway route along the West Coast was made operational during the year 1998. Hassan–Mangalore line is also converted to BG and is in operation. However, bulk cargo movement from the vast hinterland to the west coast and *vice versa* is impacted due to the operational

constraints for loaded trains in the Ghat section of Londa–Vasco and Hassan - Mangalore sections where track is laid in sharp curves and steep gradients (1 in 37 for Vasco-Londa and 1 in 50 for ShiradiGhat – Mangalore section). Reduced speed of trains and need for multiple locomotives to ensure hauling/ breaking power of loaded trains, seriously reduce the capacity of the existing lines. Therefore, the new BG track in between Hubballi and Ankola has been envisioned with the following objectives:

- i. To link West Coast with the hinterland of Karnataka for socio-economic development of Northern and Hyderabad-Karnataka region.
- ii. To meet additional expected cargo traffic between west coast and hinterland
 - a. Development of Bangalore-Mumbai Economic Corridor (BMEC) and Chennai-Bangalore Industrial Corridor.
 - b. Development of ports at Tadadi and Belekeri on the west coast under Sagarmala project and ports at Pavinakurve/Haldipur and expansion of Karwar port will require additional transportation facilities with hinterland.
 - c. Transportation of cargo to Seabird project at Karwar and Kaiga Nuclear Power Plant.
- iii. The present mode of road transport to West Coast is seasonal and not possible for 5 months during monsoons.
- iv. Even with doubling of Vasco rail route to Goa, the capacity would continue to be restricted due to the steeper gradients of 1 in 37 and sharp curves which requires additional 4 locomotive powers.
- v. Further, the speeds on these both railway routes i.e. ShiradiGhat and route via Castle Rock are low in the range of 30 to 40 kmph.

SALIENT FEATURES OF THE PROJECT

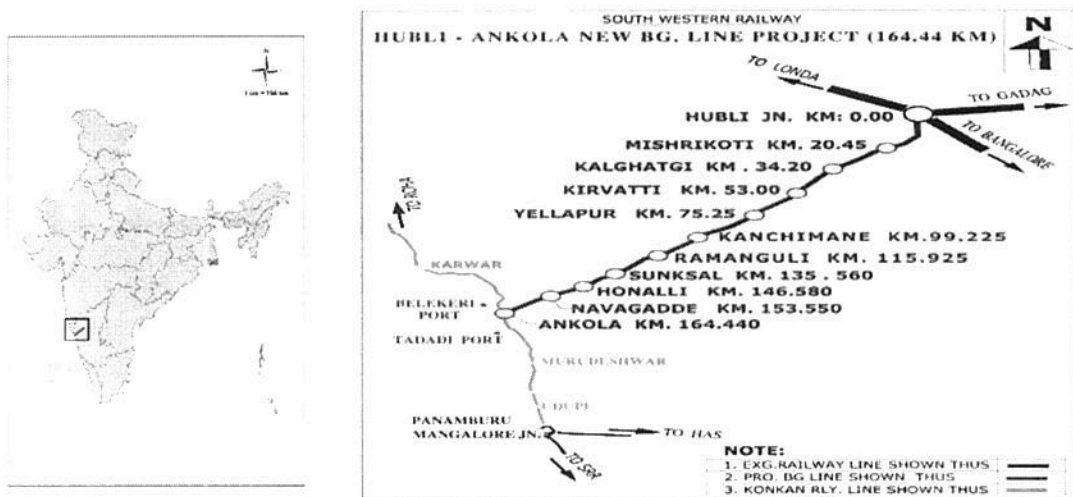
The length of the project line from Hubballi to Ankola is approximately 164.44 km. The chainage has been reckoned from centre line of Hubballi Railway Station. In between Hubballi and Yellapur a stretch of about 75 km consists of plain land, a stretch of about 56 km between Yellapur to Sunksal is a Ghat section where the alignment crosses the Western Ghats of Sahayadri Hills and the balance distance from Sunksal to Ankola is dotted with isolated hills. Talukwise land requirement shows that about 76.64% land requirement is in Uttara Kannada district (32.55% Ankola taluk, 44.09% Yellapur taluk) and the remaining in Dharwad district (15.53% Kalghatgi taluk and 7.83% in Hubballi taluk). A rough estimate of breakup of length between ghat section and partly in plateau section is -

- Plateau region: - From 0 km to 76 km and 136 km to 168 km; length = 108 km
- Ghat region: - From 76 km to 136 km; length = 60 km
- Forest region: - From 42.0 km to 16.4 km, excluding plateau and revenue lands; length = 112 km.

New BG Railway Line from Hubballi to Ankola will be descending from MSL of 637m at Hubballi to MSL of 15m at Ankola (Baleguli Junction). Ankola is an existing Railway Station on the Konkan Railway. A Y-Junction arrangement is proposed at Baleguli (before Ankola station) to facilitate movement in either direction [towards North to Karwar, Murmagoa port (1.722 km) and towards South (1.636 km) to Mangalore port] (Figure 1).

As per the original proposal, the total length of the track in embankment is 79 km and the maximum height of bank is about 25 m. The total length of the track in cutting is about 68.73 km and the maximum depth of cutting is 25 m. the total length of track passing through 29 tunnels is 21.875 km and the longest tunnel is 3,525 m long. Totally there are 329 bridges to be built in this project of which 50 are major and 279 are minor bridges. There are total 8 level crossings in this project, 20 RUBs (Road under bridge) and 28 ROBs (Road over bridge) proposed in this section. A total of 12 stations were proposed, taking into account the requirement of a station at every 12km. A total of 565 staff quarters as per the requirements of the user departments such as civil, S&T, operating, commercial, electrical, mechanical, etc. at all stations have been proposed. The total project cost in the beginning was Rs. 483.15 crore which was later revised to 1153.08 crore to Rs. 2,315.384 crores to Rs. 3,750 crores.

Figure 1: Project site and alignment of proposed Hubballi-Ankola BG track showing the details of proposed stations



CONSERVATION SIGNIFICANCE OF THE PROJECT AREA

The proposed broad gauge line between Hubballi – Ankola passes through the Western Ghats, which has been declared as a world heritage site by the UNESCO. The Western Ghats are unique in terms of their geomorphological features and are

known for high degree endemism, biological diversity and ecological processes that influence the monsoon. The entire catchment of Western Ghats is known to provide water security to the peninsular India. The proposed alignment passes through the Western Ghats forests and the region is part of Bedthi conservation reserve (at Yellapur), closer to Dandeli Hornbill Conservation reserve and located in the buffer region of AnshiDandeli Tiger Reserve (is about 6.5 km from AnshiDandeli Tiger reserve).

The Western Ghats harbours well over two thousand endemic species of flowering plants, fish, frogs, birds and mammals amongst the better known groups of organisms, and no doubt thousands more amongst less studied groups including insects. Amongst themselves these endemics would cover the entire geographical extent of the Western Ghats and all conceivable habitats, including many disturbed ones such as roadsides (Gadgil et al. 2011).

Vegetation(Figure 2): The proposed Hubballi-Ankola railway line passes through different types of forests including evergreen, semi-evergreen, moist deciduous and dry deciduous with a canopy density ranging from 0.2 to 0.8. The overall floristic diversity in Hubballi-Ankola railway zone constitutes of 43 families, 106 genera and 134 species of trees and 58 families, 128 genera and 146 species of woody ground flora of shrubs and regenerating tree stocks. Besides this, 10 species of pteridophytes belonging to 9 families and 9 genera are also reported in the Ghat section. The highest percentage of tree endemism (45%) along with a very high percentage of evergreen trees (87%) were reported from Vajralli – Birgadde villages of Yellapur taluka along a rugged terrain of steep hills and narrow wet valleys.

From Kalghatgi towards Kirwatti, the forest is dry deciduous type with dominant tree species are teak, *Terminalia tomentosa*, *Terminalia paniculata*, *Dalbergialatifolia*, and *Adina cordifolia*.

Moist deciduous forests are predominant in Kirwatti – Yellapur zone with a rainfall of more than 1200 mm and exceeds 1800 mm in around Yellapur. In this high rainfall area, mostly semi-evergreen forest is observed. Some of the important tree species found in this zone are: *Tectonagrandis*, *Terminalia paniculata*, *Xylixycarpa*, *Lagerstroemia microcarpa*, *Terminaliatomentosa*, *Adina cordifolia*, *Lanneacoromandelica*, *Caryeaarborea*.

Forest area between Yellapur to Sunskal is having rugged terrain with alternating hills and valleys. The elevation varies from 150 m to 450 m above MSL and receives heavy rainfall in the range of 1800-2500 mm. Endemic species like *Myristicamalabarica*, *Polyalthiafragrans*, *Cinnamomummacrocarpum*, *Holigarnagrahami*, *H. arnottiana*, *Hopeaponga* are known to occur in evergreen to semi-evergreen forest types of this area. The evergreen forest species observed here are: *Mimusopselengi*, *Mangiferaindica*, *Aglaia roxburghiana*, *Oleadiocica*, *Lophopetalumwightianum*, *Syzygiumgardneri*. Lianas like *Entadapursaetha*,

Calycopteris floribunda, *Gnetum scandans* and *canes* (*Calamus sp.*) are a common occurrence in these forests and so are fish tail palm (*Caryotaurens*) and talipot palm (*Corypha umbraculifera*) found mainly in hill slopes.

The area from Sunskal to Ankola is in the foothill zone of Western Ghats, is quite hilly with dominance of secondary moist deciduous to semi-evergreen forests. The elevation is in the range of 18 – 150 MSL and receives rainfall anywhere between 2500 to 3800 mm. The main species that are deciduous in nature are *Xylocarpus*, *Terminalia paniculata*, *Schleichera oleosa*, *Grewia tilifolia*, *Careya arborea*, *Dillenia pentagyna* etc. The coastal forests have deciduous species like *Buchanania lanzan*, *S. oleosa*, *T. paniculata*, *T. tomentosa*, *L. microcarpa*, *C. arborea*, *X. tomentosa*, *Strychnos nux-vomica* etc.

Presence of many wild and cultivated species of medicinal plants used widely by the local population residing in and around the Hubballi-Ankola railway zone. Medicinal plants like Aloe (*Aloe vera*), Vasaca (*Adhatodazeylanica*), Brahmi (*Centella asiatica*), Hippali (*Piper longum*), Kokum (*Garcinia indica*) etc. are typically associated with the home gardens of the region whereas Kodase (*Holarrhena antidysenterica*), Sarpagandha (*Rauwolfia serpentina*), Sarasapilla (*Hemidesmus indicus*), Ekanayaka (*Salacia chinensis*) etc. are associated with scrub jungles, savannahs and deciduous forests. Dalchini (*Cinnamomum sp.*), *Coscinium fenestratum*, an endangered climber, Wild pepper (*Piper nigrum*), Patali (*Stereospermum personatum*) and numerous others are found associated with evergreen – semi-evergreen forests of the Yellapur Ghats.

Faunal diversity: The faunal diversity of the Western Ghats is wide ranging as it supports 137 species mammals, 508 bird species, 157 reptile species, 218 species of fish and 126 species of amphibians. Many of the species found in the Western Ghats display high degree of endemism with highest percentage is that of amphibians followed by reptiles (14 %), fishes (53%), mammals (12%) and birds (4%).

The forests of Hubballi-Ankola railway zone are rich in fauna represented by 29 species of mammals, 256 species of birds, 8 species of reptiles and 50 species of butterflies. Majority of mammals belong to IUCN Red List and most of them are protected under Wildlife Protection Act, 1972. Some of mammalian species reported from the project area are: tiger, leopard, sloth bear, gaur, sambar, chital, mouse deer, common giant flying squirrel, malayan giant squirrel, Indian giant squirrel, striped hyena, jackal, common wolf, Indian fox, Indian porcupine, common mongoose, small Indian mongoose, hare, common langur, Indian pangolin, wild pig, chowsingha, black buck, toddy cat, jungle cat, bonnet macaque, golden cat, leopard cat and small Indian civet.

Figure 2: Landscape and habitat types through which the proposed alignment of Hubballi-Ankola BG track is likely to pass



Uttara Kannada district is a transitional region between two broad avifaunal influences, a large pool of bird taxa widespread over the Palaearctic and the Indian subcontinent and a much smaller pool of taxa endemic to the Malabar province. There are 63 taxa endemic to the Malabar province of which 34 are present in Uttara Kannada district. The birds recorded from this region such as Hornbills figure in Schedule-I of the Indian Wildlife Protection Act whereas birds including Barbets, Babblers, Bulbuls, Egrets, Fairy Blue bird, etc. figure in Schedule-IV of the IWPA indicating their rarity and high conservation importance. The Bedthi river basin harbors 33 different species of amphibians of which 55% are endemics to the Western Ghats. *Philautus cf. leucorhinus*, a species possibly thought extinct has been recorded from this region.

Tiger & Elephant movement corridor: The Kalghatgi forest range in Dharwad Forest Division has witnessed the movement of elephants in the region since last many years. This forest range borders the Kirwatti range in Yellapur Division, Bhagwati, Sambrani and Haliyal ranges of Haliyal Division. The belt of Kalghatgi range, coming

under Devikoppa, Tambur and Sangtikoppa sections, adjoining Kirwatti and Bhagwati is the traditional elephant corridor. Geographically, this belt is located on the banks of Tattihalla River. The herd of about 20-25 elephants moves from Dandeli Wildlife Sanctuary and passes through Bhagwati, Kalghatgi, Kirwatti, Mundgod, Katur before reaching Hanagal (**Figure 3**). The elephants usually move in Kalghatgi range during the months of September to December.

Tiger populations of Western Ghats are better connected with each other due to conducive habitat matrix for tiger occupancy than the tiger populations of Central India and Shivalik-Gangetic Plains landscape.

CONSTITUTION OF THE PRESENT COMMITTEE & TERMS OF REFERENCE

- Initial proposal for diversion of 965 ha of forest land submitted on 10.04.2003 which was reduced to 727 ha on 01.02.2005. This was further reduced to 667 ha in 2011 (**ANNEXURE I**).
- Meanwhile, a Writ Petition was filed before Central Empowered Committee (CEC constituted by Hon'ble Supreme Court) by ParisaraSamrakshana Kendra, Sirsi and Wilderness Club, Bangalore (NGO's) against the project on 18.08.2006.
- Around 75% of work has been completed during 2006 between Hubballi-Kiravatti and Rs. 134 Cr. has been incurred towards the cost of work executed and land acquired.
- Central Empowered Committee (CEC) advised MoR to stop all the works in Sep.2006.
- ADG (MoEFCC), New Delhi visited the project on 28.12.2009 and advised Government of Karnataka (GoK) to conduct Bio-diversity survey along with Environment Impact Assessment suggesting mitigation measures.
- Indian Institute of Science, Bengaluru (who were engaged as Consultants) conducted survey and suggested alternative alignments (**ANNEXURE II**) in three stretches (in 44 km) in forest area and mitigation measures to minimize adverse impact on the forest and wildlife.
- CEC held hearing on 25.10.13 wherein IISC, Bangalore gave detailed presentation on their study.

Figure 3: The proposed railway line passing through the traditional elephant movement path in the region (source: EIA report by IISC, Bengaluru)



- CEC visited the project on 16/17.12.13 and submitted a report to Hon'ble Supreme Court on 03.08.15 with advice not to consider diversion of 965 ha (subsequently revised to 727 ha and then to 667 ha) of forest land.
- Considering the recommendations of Regional CCF (Central), the Forest Advisory Committee (FAC) constituted by MoEFCC under Section 3 of Forest Conservation Act (1980) had rejected the proposal in 2004 (**ANNEXURE III & IV**).
- Hon'ble Supreme Court referred the issue to National Green Tribunal (NGT) and NGT disposed the application on 10.02.16 duly giving liberty to the project proponent to submit appropriate fresh proposal for diversion of forest land to State Govt.
- In compliance of orders of NGT, Railways submitted revised proposal on 23.04.16 to MoEFCC for Stage I approval further reducing the forest land requirement to 595.64 ha.
- A committee of officers nominated by Regional Empowered Committee, Bengaluru inspected the project site on 22nd and 23rd April 2017.
- The IGF, NTCA, Regional office, Bengaluru was directed by the National Tiger Conservation Authority to cause site appraisal and evaluate the proposed diversion area vis-a-vis tiger distribution, its dispersal and suggest mitigation measures and their feasibility, if any. Accordingly, a field visit was made on 23rd February, 2018 to Kali Tiger Reserve, Yellapur and Karwar forest divisions for site appraisal.

- NTCA report found no merits in implementing the project by considering significant negative impact on long-term conservation of tigers and other mega herbivores in the Western Ghats landscape by fragmenting existing habitat connectivity and contiguity.
- The Standing Committee of National Board for Wildlife in its 48th meeting held on 27th March, 2018 had recommended constitution of a team comprising of representatives of Wildlife Division of MoEFCC, NTCA and Wildlife Institute of India (WII) for inspecting the project site. Accordingly, an office memorandum was issued by WL Division of MoEFCC (**ANNEXURE V**).

FIELD VISIT

The Committee members made two visits of the proposed project site on July 14, 2018 and August 06, 2018 and held detailed discussions with the officials and representatives of Karnataka Forest Department and MoR (**Table 1, Figure 4**). In addition, the Committee also examined many existing published literature and reports available on tiger conservation and Western Ghats before drafting the report.

Table 1: List of the Team Members present during the site inspection

Team Members	Designation
Dr. R. Gopinath	Joint Director (WL), MoEFCC
Sh. RajendraGarawad	Assistant Inspector General of Forests, NTCA Bengaluru Regional Office
Dr. Kausik Banerjee	Project Scientist, Tiger Cell (WII)
Sh. Yatish Kumar	DCF, Yellapur Division
Sh. Ganpati	DCF, Karwar Division
Sh. H.B. Nanjundappa	ACF, Ankola
Sh. Ashok Bhatt	ACF, Yellapur
Sh. Rama Subbaih	Deputy Chief Engineer (Construction), South Western Railway
Sh. Somanatha	Assistant Executive Engineer, South Western Railway
Sh. Balasubramaniam& staff	RFO, Yellapur
Sh. K.D. Nayak& staff	RFO, Ankola
Sh. V.P. Nayak& staff	RFO, Mastikatta
Sh. Nadaf& staff	RFO, Ramanguli
Sh. C.G. Naik& staff	RFO, Kirwatti
Sh. Himavathi& staff	RFO, Idugundi

Figure 4: Photographs of field visit by the Committee members and interactions with railway and forest officials



OBSERVATIONS

1. As per the latest report of Forest Survey of India, 2017, the Uttara Kannada district of Karnataka has a geographical area of 10,277 km² and the forest area is 8,118 km² (which is 79 % of the geographical area; per capita forest 0.77 ha). The Western Ghats of Uttara Kannada district is also known for their dense forests (about 3,000 species of plants including 52 endangered and several endemic) which support a rich biodiversity as mentioned earlier in the report. No other district in south India is known to have endowed with so much diversity. In fact, Uttara Kannada district has the world's highest concentration of wild relatives of domesticated plants (Gadgil et al. 2011).
2. However, in order to meet developmental needs, about 1,074 km² of forest land has already been either converted or encroached upon for non-forestry purposes at an alarming rate of 13% per 30 years. The official figure of encroachment in Uttara Kannada district furnished by GoK to Hon'ble Supreme Court of India is 35,604 families in 13,175 ha. The proposed broad gauge line will bifurcate the forest connectivity of Uttara Kannada district into

two halves, is likely to disrupt wildlife movement and enhance further encroachment.

3. For understanding the distribution of tigers and other endangered mammals *vis-à-vis* proposed rail line, we used the Phase I occupancy grid data created by Wildlife Institute of India (WII) by using the data of All India Tiger Monitoring Exercise (AITME) of 2006, 2010 and 2014 in GIS domain (Jhala et al. 2008, 2011, 2015). We also used the tiger corridor atlas prepared by WII (Qureshi et al. 2014) based on AITME data to ascertain the location of proposed railway line with respect to delineated tiger corridors.
4. As evident from **Figure 5**, the area of the proposed project site supports a spatially and temporally dynamic tiger population since the number and distribution of tiger occupying grids were found to be varying among 2006, 2010 and 2014. Tiger population in this area in 2010 was estimated to be about 36-42 individuals occupying about 4,756 km² and showing a declining trend since 2006 (Qureshi et al. 2014).
5. As per AITME 2014 Phase I data, the area also supports several other endangered mammals such as gaur, elephant, leopard, dhole, sambar, sloth bear, chital, barking deer etc. (**Figure 6**).
6. An area of 23,881 km² from Dandeli-Bandipur complex has been identified as a unit which needs to be prioritized for tiger conservation in Indian subcontinent (Wikramanayake et al. 1998).
7. The report "Connecting tiger populations for long-term conservation" (Qureshi et al. 2014) states that the tiger populations of Western Ghats are better connected with each other due to conducive habitat matrix for tiger occupancy than the tiger populations of Central India and Shivalik-Gangetic Plains landscape. However, factors like plantations, agriculture, industrial and infrastructure development activities are threatening the existing habitat connectivity in Western Ghats and should be regulated.
8. The said report also highlights that the Western Ghats landscape has the potential to have contiguous tiger occupancy from Dang forests in Gujarat up to the Palakkad gap in Kerala. The source population with high tiger density in this is the Nagarhole – Mudumalai – Waynad population whereas source population with low tiger density to the north of the Palakkad gap are Kudremukh, Bhadra and Kali Tiger Reserve. Presence of few tigers in the forests of Goa and in Sahyadri Tiger Reserve, Maharashtra has been recorded and the narrow forest connectivity of Western Ghats ridge is crucial for persistence of these tigers.

9. Already the Western Ghats landscape has been intersected by existing railway line network between Bhadra Tiger Reserve and Nagarhole-Bandipur-Mudumalai tigerreserve complex by Hasan – Mangaluru railway line and between Kali and Sahyadri Tiger Reserve by Dharwad-Londa-Vasco railway line. At a larger geographic scale, the proposed railway line passing through the forests of Karwar and Yellapur division will cut across the habitat contiguity between Kali and Sahyadri Tiger Reserve (**Figure 7**). The existing rail network and the proposed line may exert negative impact cumulatively on the habitat connectivity, contiguity and wildlife mortality in the Western Ghats landscape. This may have serious repercussions for long-term conservation of tigers and other wildlife in this landscape.
10. Overlaying of corridors delineated using Least Cost Path analysis with the proposed railway line alignment indicates that the proposed railway line cuts across the optimal tiger corridor and its total length inside the corridor is approximately 17.6 km. The location where the proposed railway line cuts across the tiger corridor has also been identified as potential bottleneck area having weak links within the least cost pathway corridor (**Figure 8**). Considering the fact that the proposed railway line not only cuts the delineated corridor but also falls in the critical bottleneck area, we believe that the proposed line has high probability of disrupting the habitat connectivity between Kali Tiger Reserve and Bhadra Tiger Reserve which will have serious implications for long-term conservation of tigers in the entire Western Ghats landscape.
11. As smaller tiger populations (such as Kali TR, Goa population, Sahyadri TR) have higher chances of getting locally extinct, the only way to prevent such instances is by facilitating the habitat connectivity between small populations. A recent publication by Reddy et al. 2017 in Central India suggests that gene flow is much higher in areas of rough topography and ridge tops and is facilitated by forest cover in areas with low human footprint. The current landscape through which the BG alignment is proposed to pass is very similar to what mentioned in Reddy et al. 2017 permitting an exchange of gene flow at present. The strategies prescribed for ensuring such habitat connectivity are: first, conserve areas that facilitate movement and second, by restoring areas that acts as impediments because of bottlenecks.

Figure 5: Tiger occupancy grids in the proposed project site as per AITME exercises of 2006, 2010 and 2014

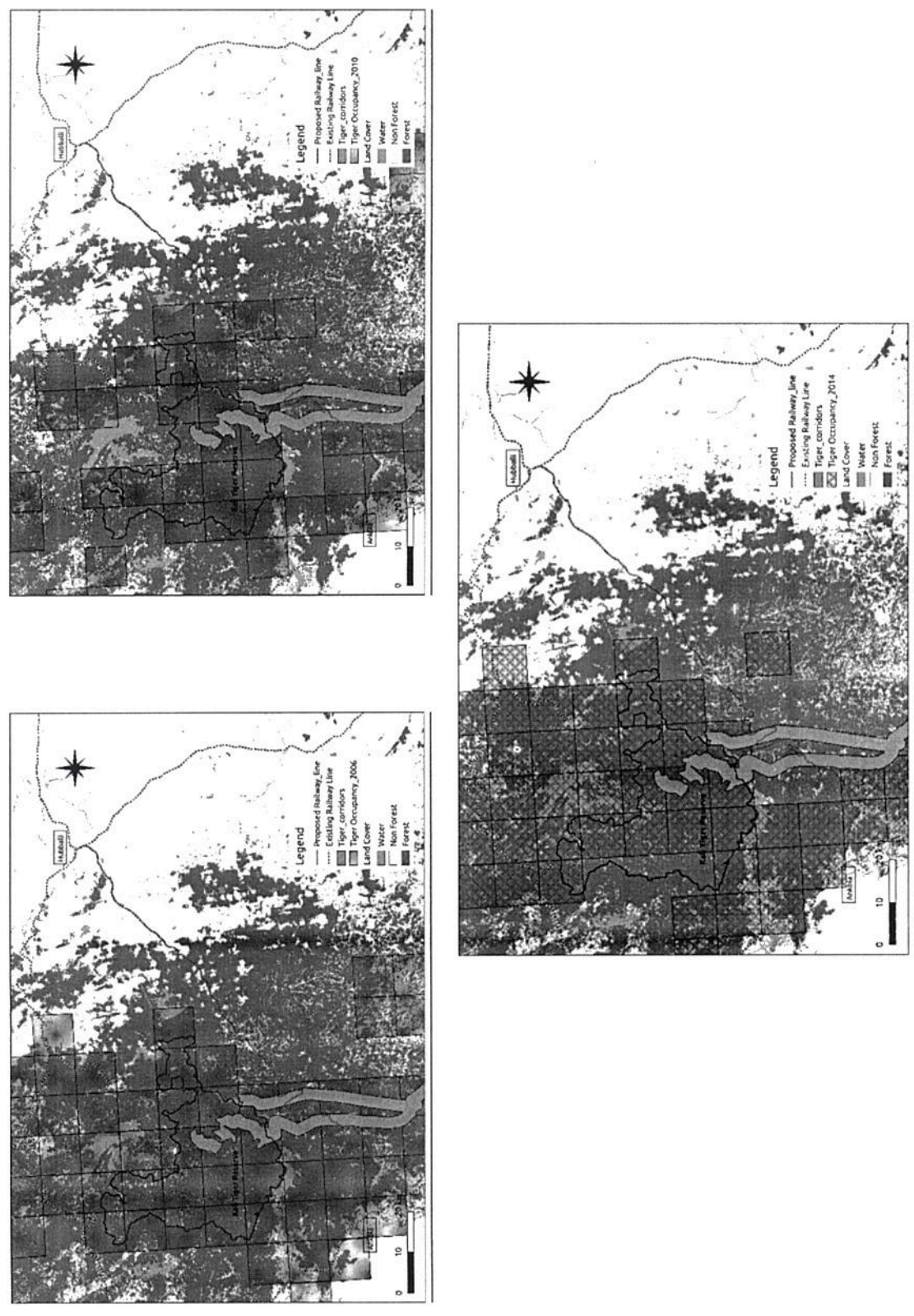


Figure 6: Presence of other large mammals in the proposed project site as per AITME 2014 exercise

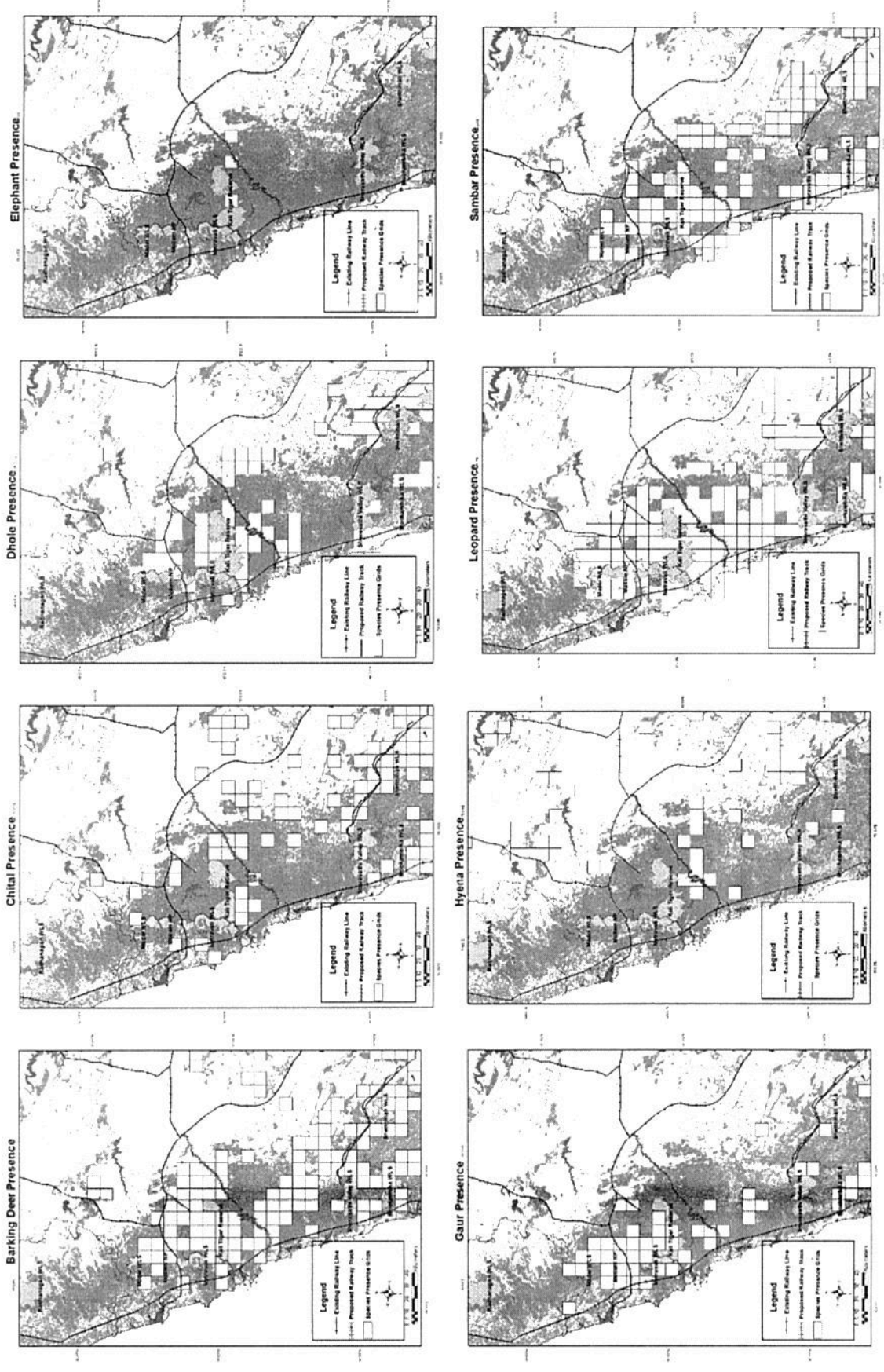


Figure 7: Western Ghats Landscape showing the Protected Areas, tiger dispersal corridors and the proposed railway track between Hubballi and Ankola intersecting the habitat corridor

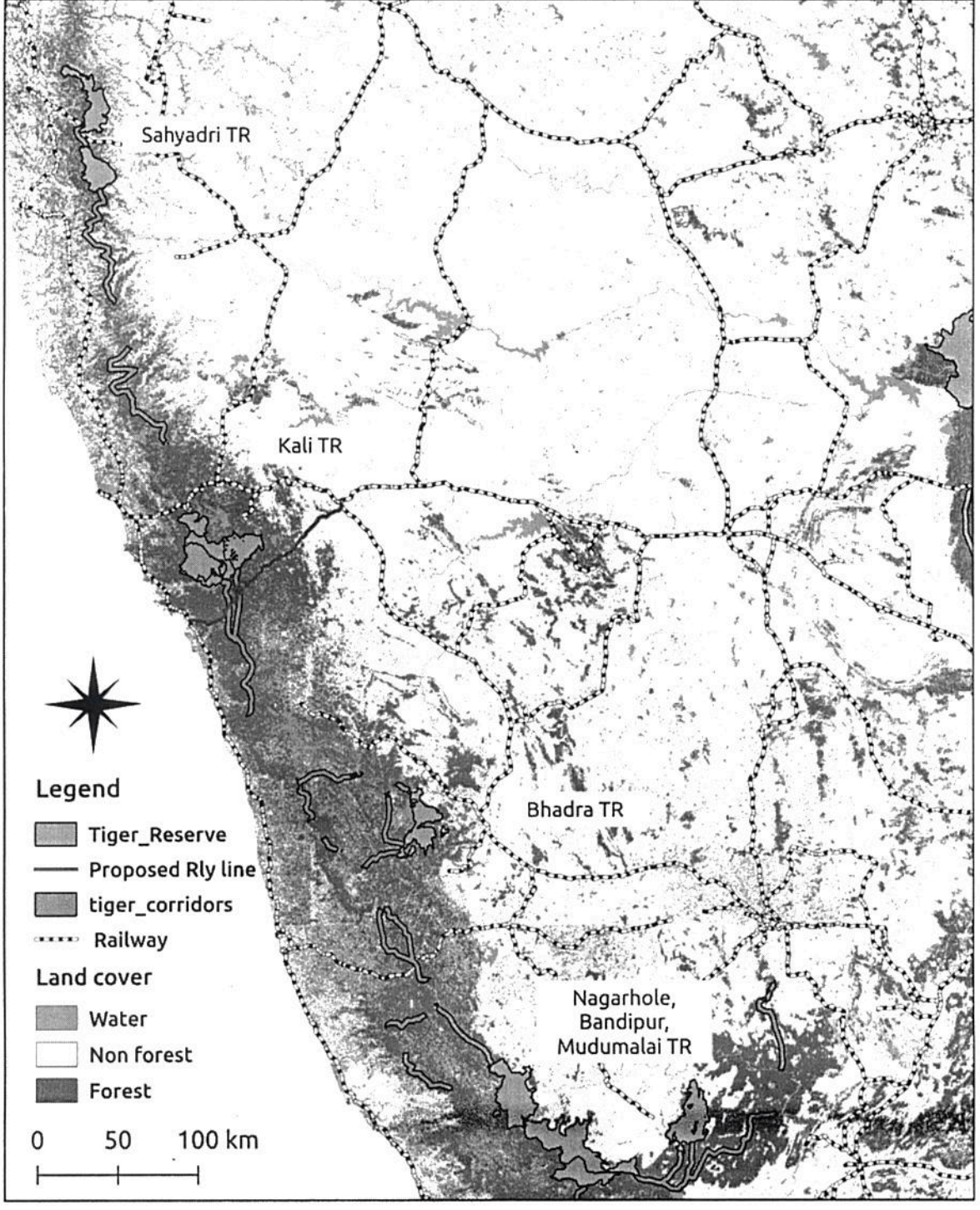


Figure 8: Potential bottlenecks, obstacles and weak links within the Least Cost Pathway corridor connecting Anshi- Dandeli-Sharavathi Valley. Proposed Hubballi – Ankola railway line passes through one such potential bottleneck areas of the tiger corridor (indicated by yellow color arrow)



NOTE: The corridor connectivity between Anshi Dandeli and Sharavathi valley is long and traverses through plantations and agricultural mosaics. The decline in tiger numbers and occupied area has already been observed in the forests connecting Anshi-Dandeli to the forests of Goa in the north and forests of Sharavathi valley to the south. Two corridors, one from Anshi NP and one from Dandeli WLS emerge on either side of Kodasalli reservoir and meet north of Benne Hole falls. The bottlenecks of this corridor was observed near Jog falls where a narrow strip of forests (1.5 km) remain as a connectivity (after Qureshi et al. 2014).

12. Northern Karnataka is considered to be the northern-most limit of elephant distribution in south India and elephants are distributed in the Uttara Kannada and Belagavi districts. An isolated population of about 60-70 elephants occur in the moist and dry deciduous forests mainly of the Dandeli Wildlife Sanctuary (Easa 2017). According to forest officials of Yellapur and Dharwad forest divisions, Indian elephants in small groups move out from Kali Tiger Reserve and by crossing National Highway 63 (currently NH 52) the elephants move towards Yellapur, Mundgod, Hangal and Sirsi taluks (**Figure 3**). Such movement starts from September which coincides with harvesting of paddy and the groups return back by February. As evident from **Figure 3**, the proposed railway line intersects the elephant movement corridor and is likely to have serious implications on the seasonal movement of these mega herbivores in the landscape and it may become leading cause of wildlife mortality due to train hits in this region. The Dharwad, Haliyal, Belagavi forest divisions are regularly witnessing wildlife deaths due to train hits (**Figure 9**). A similar situation may also prevail in Yellapur and Karwar divisions given the project is implemented.

Figure 9: Photos of wildlife mortality on existing Miraj-Londa and Dharwad-Alnavar-Londa-Tinaighat Railway Lines passing through northern part of Kali TR in Belagavi and Uttara Kannada Districts



13. The project involves felling of 178,325 trees (enumerated based on 10% sampling intensity in Yellapur and Karwar Divisions and total enumeration in Dharwad Division) which seems to be likely underestimate to the Committee given the canopy density of 0.8 along a stretch of 168 km.

14. As mentioned earlier, the biodiversity and endemism values for the Western Ghats (and the project site) cannot be overemphasized. The varied microclimate and diverse topography create a wide array of habitats that

support unique sets of plant and animal species. Apart from loss of habitats for large mammals, clear felling of near about 1.8 lakh trees and clearing of undergrowth is likely to have an irrefutable adverse impact on the region by i) breaking canopy intactness crucial for endangered avifauna (such as Malabar Pied Hornbill) and arboreal life forms in the area, ii) higher light penetration and desiccation, iii) greater diurnal temperature fluctuations, iv) causing soil erosion and compression, v) altering topography, vi) modifying geo-hydrology, vii) upsetting microclimate and viii) influencing rainfall patterns and water regimes (all major drivers behind biodiversity hotspot and endemism). Such changes have profound consequences not only for the biodiversity but also for the economic well-being of the local communities in the region.

15. Increase in forest fragmentation is also likely to give rise to an edge effect with respect to microclimate changes, species invasion from surrounding vegetation, and the impact of surrounding anthropogenic activity (Saunders et al. 1991) which can result in altered plant species composition within fragments. Furthermore, forest fragmentation affects the distribution of large animal species by reducing their core habitat.
16. MoR has estimated a total environmental loss amounting to Rs. 623 Crore likely to be incurred due to implementation of the project. This includes value of loss of timber (Rs. 30 Crore) and value of other environmental losses such as soil erosion, effect on hydrological cycle, wildlife habitat etc. (Rs. 593 Crore). The total economic valuation of the forests under proposed project has been assessed as Rs. 40,859 lakhs/ha/yr in the EIA report submitted by IISc, Bengaluru. For 596 ha land to be diverted, it is approximately Rs. 243.51 Crore/yr indicating very high ecological value for the forests in the area. We believe that other intangible benefits received from the forests such as free air, free water, pollution control, increase in soil fertility etc. when included in this calculation, the loss incurred due to implementation of Hubballi-Ankola Railway Project will escalate substantially.
17. A total of 1,200 ha (90 ha in Dharwad, 610 ha in Yellapur and 500 ha in Karwar Divisions) of degraded forest land have been identified for executing compensatory afforestation (CA) by the user agency. However, increasing global literature suggest that regardless of management practices, species selection, age or land-use history; natural primary forests support on an average 35% more species and higher levels of native species richness and abundance than any plantation (Bremer and Farley 2010). Therefore, even almost double the diverted area has been envisaged for CA under this project, we believe that ecological value of those areas will not be at par with that of the natural forests which will be lost due to implementation of the project.
18. As mentioned earlier, the new BG line will become a death trap for many wildlife species; especially big mammals and may be detrimental to their long-

term persistence in the region. In response to a recent question in the Parliament (dated 18th July, 2018), Hon'ble Minister for State (MoR) has informed the House that a total of 80 wildlife mortality have been recorded by the Railway since 2015 out of which 58 were elephant mortality (**ANNEXURE VI**). South Western Railway under whose jurisdiction the proposed railway track will be operational has recorded four wildlife mortality during aforesaid period. We believe that impact of any mortality of tiger and elephant on the proposed track will be additive and calamitous for their viability, since both the species occur in smaller size with their survival ensured only if a metapopulation framework is maintained in the landscape (permitting regular genetic exchange with the 'source' populations).

- 19. In order to mitigate the damage, MoR has already suggested several underpasses, overpasses and tunnels through which the proposed alignment is likely to pass (**ANNEXURE VII**). Study by Gargini et al. (2009) reveals strong hydrological impacts caused by some railway tunnels between Florence and Bologna in the Apennine mountain ranges of central Italy. Vincenzi et al. (2009) reported that during the drilling of a 15 km long railway tunnel in the Apennines inrushes of water occurred at fracture zones and the tunnel still continues to drain the aquifer.
- 20. MoR has not prepared any Detailed Project Report (DPR) for this so far. However, during the site inspection, it was learnt by the Committee that the construction period for Hubballi-Ankola BG Track will be a minimum period of 8-10 years depending upon timely release of budget by MoR (Railway officials *pers. comm.*). This time period along with the human disturbances caused during the construction period will be adequate enough to destroy the pristine landscape. This has been observed in case of construction of an elevated road to safeguard the Chilla-Motichur corridor of Rajaji National Park. Half-finished construction work for several years has already destroyed the corridor underneath with urban sprawl and infrastructural development.
- 21. Moreover, in the proposed Hubballi-Ankola track, those tunnels that are dug out towards surface and covered with concrete roofing will take many years to deposit soil cover, may be through erosion from the hills and subsequently witness several decades for avegetational succession leading to the re-establishment of wilderness that linked the forests on either sides.
- 22. Cleaning of vegetation due to implementation of this project may also alter edaphic features in the area. Western Ghats is mostly characterized by shallow top soils held by forests on the rocky substrates. Removal of vegetation will make the region more erosion prone. Also, spilling of ferus ore during transportation may change the chemical characteristics (salinity etc.) of the soil having a cascade effect on productivity.

23. **Pronab Sen Committee(2000)** of MoEF in its report titled "Identifying Parameters for Designating Ecologically Sensitive Areas in India" recommended that areas which meet even one of the following primary criteria deserve to be protected without any additional factor or consideration being brought in.

- a. Species-based
 - i. Endemism
 - ii. Rarity
 - iii. Endangered species
 - iv. Centers of evolution of domesticated species
- b. Ecosystem-based
 - i. Wildlife Corridors
 - ii. Specialized ecosystems
 - iii. Special breeding site/area
 - iv. Areas with intrinsically low resilience
 - v. Sacred groves
 - vi. Frontier Forests
- c. Geo-morphological features-based
 - i. Uninhabited Islands in the sea
 - ii. Steep Slopes
 - iii. Origins of Rivers

Area through which the proposed track will pass meet up several of these conditions and therefore Ankola, Bhatkar, Yellapur, Karwar, Dharwad talukas have been proposed as a part of Eco-sensitive Zone suggested by both **Gadgil Committee (2011)** and **Kasturirangan Committee (2013)**. **Villages of these talukas are also part of the least cost pathway tiger corridor delineated by Qureshi et al. 2014.** Therefore, any developmental activity of a scale such as upcoming Hubballi-Ankola Railway should be critically examined given its irrevocable impact on the biodiversity, ecosystem processes and services.

24. **The National Wildlife Action Plan (NWAP)** also explicitly mentions that Ministry of Surface Transport and Ministry of Railways to plan roads (and railway tracks) in such a manner that National Parks and Sanctuaries are bypassed and integrity of the Protected Area is maintained. Further, the plan also suggests avoiding of wildlife corridors as much as possible.

25. The proposal for Hubballi-Ankola BG track was envisioned for freight trains carrying iron and manganese ores from Bellary Hospeth region of Karnataka. As per the project documents and discussions held with the MoR officials during the inspection, no passenger train will ply over along this track. This means immediate direct benefits to the local communities by implementing this project is minimal. Further, the freight trains that are unscheduled as compared to passenger trains may have greater impact on wild animals that

are slightly better conditioned by the passenger train timings and end up killing them. Once implemented, MoR may also introduce / divert some existing passenger trains in this route on public demand and therefore, the impact would be much higher than currently we could anticipate.

26. On the contrary, the project and its paraphernalia (railway stations, staff quarters, access roads etc.) will increase chance of erecting more establishments in near future and encroachment by communities from outside areas. Besides wildlife mortality, railway also acts as an easy medium for timber trafficking and illegal wildlife trade (Sharma et al. 2014).
27. Effect of electrification of the proposed BG line can easily be understood in terms of mortality of elephants and many arboreal life forms (Sarma et al. 2006; WII 2016).
28. As per the earlier project documents, the main purpose for proposing a new broad gauge line was primarily for transportation of iron ore from Bellary – Hospeth region to Karwar port. In the late 90s, it was estimated that the iron ore transportation from Bellary-Hospet sector to proposed new ports at Tadri (near Ankola) on the western coast of Karnataka will be approximately 16 million tonnes per annum as against the established capacity of 6 million tonnes per annum. Against the 6 million tons' capacity, only 3 million tons was transported in the existing broad gauge track between Londa - Vasco.
29. After surfacing of Bellary iron ore and Belikere port scams involving illegal exporting of 35 lakh metric tons iron ore amounting to Rs. 60,000 Crore, Hon'ble Supreme Court of India has imposed a ban on mining in the region and closed the Belikere Port near Karwar in 2011. Subsequently, there has been a drastic reduction in the production of iron ore and there is hardly any transportation of iron ore in the last few years. Therefore, the propose rail line may not get iron ore cargo in an amount as initially envisioned.
30. During the inspection, the Committee found that it is not that there is no connectivity in proposed project area. An Asian Development Bank (ADB) funded road has already been constructed to cater for iron ore transportation in the region. The road is grossly underused at present since there is hardly any traffic plying on this and already traversing the landscape. Instead of enhancing further fragmentation by laying a BG track almost in parallel to this road, the existing infrastructure should be fully utilized for transport of limited ore in the region.
31. The disadvantage of multimodal transport corridors [alignment of two or more forms of transport infrastructures (road and rail as in case of Hubballi – Ankola BG track) along the same corridor (in close proximity)] is that they can strengthen the barrier effect to some species. There is documented evidence

of combined alignments acting as a significant barrier, fragmenting mountain habitats and isolating reindeer populations in Norway (Panzacchi et al. 2013).

32. After the initial justification of iron ore transportation from Bellary / Hospeth region was no more valid, new justifications like transportation of goods to hinterland, development of various regions of Karnataka (even the Bengaluru / Chennai regions) have been included by MoR in the project documents. These justifications are not backed by any quantitative data or analysis. For example, the Hubballi – Dharwad region has been witnessing rapid urbanization and economic development (Department of Planning, Programme Monitoring and Statistics, GoK, 2016) even in the absence of the new broad gauge line between Hubballi and Ankola. Per capita income for northern Karnataka has been increased from Rs. 9,250 in 1990-91 to Rs. 21,326 in 2007-08 (Shiddalingaswami & Raghavendra 2010). Therefore, the statement that the proposed broad gauge line will usher in development in the northern Karnataka cannot be taken at face value.
33. The tiger populations of Western Ghats are better connected with each other due to conducive habitat matrix for tiger occupancy than the tiger populations of Central India and Shivalik-Gangetic Plains landscape (Qureshi et al. 2014). These landscapes didn't lose habitat connectivity within a single day but it was a cumulative impact of many developmental projects that were implemented in these landscapes over decades. Considering the present status of various tiger landscapes of India, it is felt that in the event the proposed Hubballi – Ankola broad gauge line which cuts across the Western Ghats forests gets implemented, then due to habitat fragmentation it may be a matter of time that the Western Ghats landscape may also suffer from poor habitat contiguity and connectivity, a fate similar to the one faced by other tiger occupying landscapes of Central India and Shivalik-Gangetic Plains.

CONCLUSIONS

- i) It is reiterated that extremely fragile ecosystems of the Western Ghats will not be able to sustain or buffer impacts likely caused by a developmental project of the scale of Hubballi – Ankola railway track construction.
- ii) The original rationale behind laying the proposed Hubballi-Ankola Railway track does not appear to be quite valid as of today since the mining and export of iron ore from the region is almost nil. There is huge scope for utilizing the existing vast network of railways and road for transportation of goods and services from the coastal region to the hinterland. Existing railway and road infrastructures are grossly underutilized and are sufficient to support the **limited demand of ore transportation.**

- iii) Direct benefits to the local communities is also minimal from implementation of this project. The railway track is likely to cause irrefutable impacts on a declining tiger population, a small elephant population as well as on several endangered and endemic fauna in the region.
- iv) Moreover, the adverse effects on forest contiguity, hydrology and drainage networks, distribution and behavior of other endangered flora and fauna in the area, conservation of sacred groves, impact on microclimate are some of the major irreversible impacts envisaged from implementing this project.
- v) Mitigation is not a panacea that will overcome all ill effects of developmental projects just by having overpasses, underpasses, ramps and tunnels. In fact, avoidance is considered as the very first mitigation step/ measure. Despite all technological and scientific developments, our understanding of complex natural processes in the Western Ghats which has taken millions of years to evolve, is still primitive and far from complete and therefore many other impacts of the project on the natural systems may remain unforeseen as of today.
- vi) It is also important to note that this project has been rejected in the past from all starting from Karnataka Forest Department, MoEFCC Regional office, Bengaluru, the CEC of Hon'ble Supreme Court and finally the Forest Advisory Committee of MoEFCC.
- vii) While economic development is important for the state of Karnataka but it need not and should not happen at a greater cost to forest, wildlife of the Western Ghats landscape. Without conservation of biological diversity of the Western Ghats landscape, the economic growth and prosperity of the region will not be sustainable in the long-run.

Due to above mentioned reasons, the Committee does not recommend implementing the project considering its wider ecological ramifications on the fragile Western Ghats and its impacts on future persistence of many endangered species, and recommends its complete abatement.

Literature Cited

- Bremer L.L. & Farley, K.A. 2010. Does plantation forestry restore biodiversity or create green deserts? A synthesis of the effects of land-use transitions on plant species richness. *Biodiversity and Conservation*, 19: 3893-3915.
- Department of Planning, Programme Monitoring and Statistics, Government of Karnataka. 2016. *Economic Survey of Karnataka 2015-16*.

- Dinerstein, E. et al. 2006. Setting Priorities for the Conservation and Recovery of Wild Tigers: 2005–2015. A User's Guide. WWF, WCS, Smithsonian, and NFWF-STF, Washington, D.C. – New York.
- Easa, P. 2017. Asian elephants in India: a review. Pages 6-23 In: Right of Passage: Elephant Corridors of India [2nd Edition]. Menon, V. et al. (Eds.). Conservation Reference Series No. 3. Wildlife Trust of India, New Delhi.
- Gadgil, M. et al. 2011. Report of the Western Ghats Ecology Expert Panel submitted to MoEFCC, New Delhi.
- Gargini, A. et al. 2009. Hydrogeological impacts of tunnels. *Geotitica*.
- Jhala, Y. et al. 2008. Status of tigers, co-predators and prey in India. NTCA-WII Technical Report.
- Jhala, Y. et al. 2011. Status of tigers, co-predators and prey in India. NTCA-WII Technical Report.
- Jhala, Y. et al. 2015. Status of tigers, co-predators and prey in India. NTCA-WII Technical Report.
- Kasturirangan, K. et al. 2015. Report of the high level working group on Western Ghats. Report submitted to MoEFCC, New Delhi.
- MoEF. 2000. Report of the Committee on identifying parameters for designating Ecologically Sensitive Areas in India (Pronab Sen Committee Report)
- Panzacchi, M. et al. 2013. A road in the middle of one of the last wild reindeer migration routes in Norway: crossing behaviour and threats to conservation. *Rangifer*, 33 (21): 15-26.
- Qureshi, Q. et al. 2014. Connecting Tiger Populations for long-term conservation. NTCA-WII Technical Report.
- Reddy, A. et al. 2017. Tiger abundance and gene flow in Central India are driven by disparate combinations of topography and land cover. *Diversity and Distributions*. 1.10.1111/ddi.12580.
- Sarma, U.K. et al. 2006. *Deadly Tracks - A scientific approach to understanding and mitigating elephant mortality due to train hits in Assam*, Wildlife Trust of India, New Delhi.
- Saunders, D.A. et al. 1991. Biological consequences of ecosystem fragmentation: a review. *Conservation Biology*, 50: 99-135.
- Sharma, K. et al. (2014) Tiger poaching and trafficking in India: estimating rates of occurrence and detection over four decades. *Biological Conservation* 179: 33-39.
- Shiddalingaswami, H. & Raghavendra, V.K. 2010. Regional disparities in Karnataka: a district level analysis of growth and development. CMDR Monograph Series No-60, Centre for Multi-Disciplinary Development Research (CMDR), Dharwad.
- Vincenzi, V. et al. 2009. Using tracer tests and hydrological observations to evaluate effects of tunnel drainage on groundwater and surface waters in the Northern Apennines (Italy). *Hydrogeology Journal*, 17: 135-150.

- WII (2016) Eco-friendly measures to mitigate impacts of linear infrastructure on wildlife. Wildlife Institute of India, Dehradun.
- Wikramanayake, E.D. et al. 1998. An Ecology-Based Method for Defining Priorities for Large Mammal Conservation: The Tiger as Case Study. Conservation Biology, 12: 865-878.



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(Sh. Rajendra Garawad)



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(Dr. R. Gopinath)

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(Dr. Kausik Banerjee)

ANNEXURE 1: Comparative Statement of the Proposals

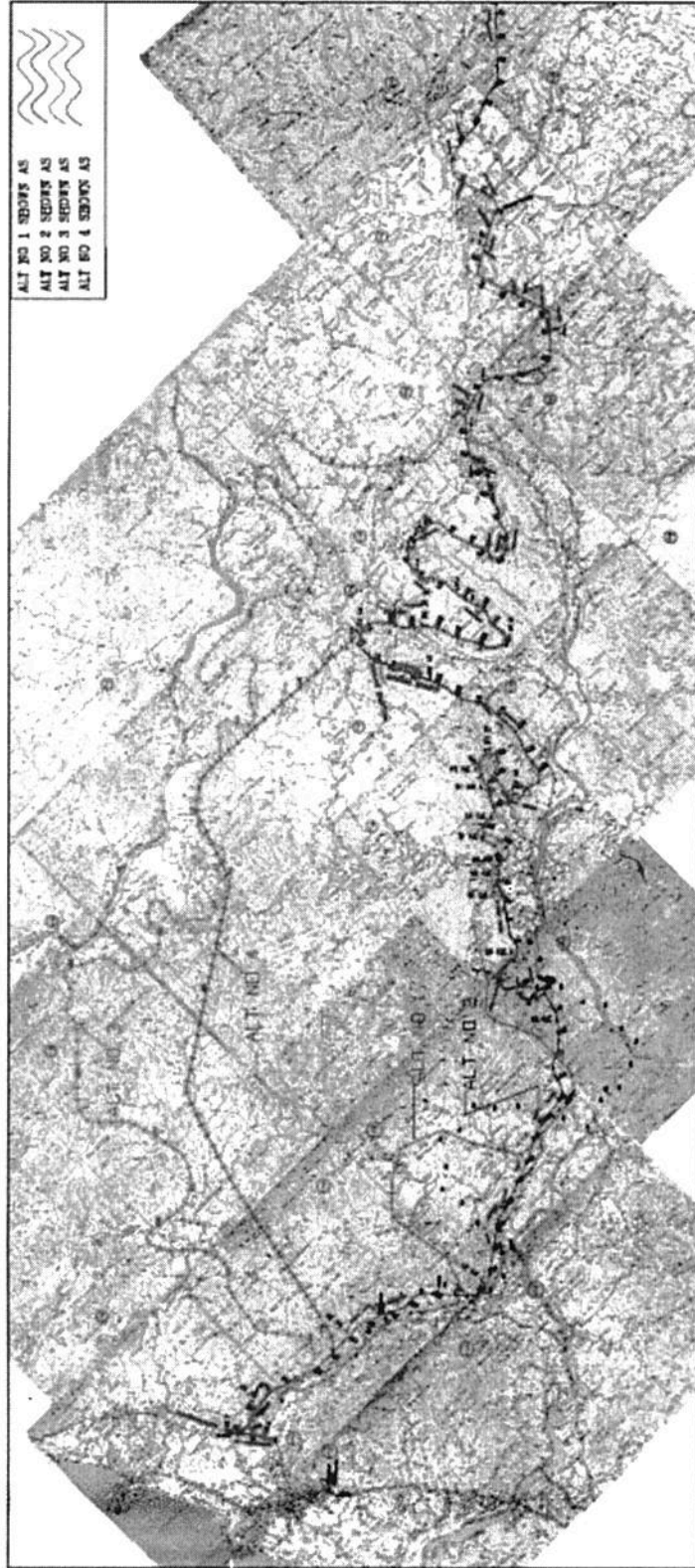
Activity	Initial proposal (2003)	1st Revised proposal (2005)	2nd Revised proposal (2011)	3rd Revised proposal (2016)
Forest land	965 Ha	727 Ha	667 Ha	595.64 Ha
Viaduct	1.75 km	1.75 km	1.75 km	8.41 km
Tunnel	21.87 km	21.87 km	21.87 km	25.42 km
Cost	Rs.483.15 Cr.	-	Rs.2315 Cr.	Rs.3749.6 Cr.
Felling of trees	-	-	2,02,500	1,78,325

ANNEXURE II: Alternative alignments examined for Hubballi-Ankola BG Track Proposal

Sl. No	Description	Alt-1	Alt-2	Alt-3	Alt-4
1	Length of the Project	177.0 km	164.439 km	172.37 km.	154.57 km.
2	Ruling gradient	1 in 100(C) 41.98%	1 in 100(C) 37.61%	1 in 100(C) 40.34%	1 in 100(C) 32.69%
3	Length in forest land	122 km.	108 km.	116.1 km	104.62 km
4	Longest steepest gradient	6.65 km	2.95 km	13.3 km	10.3 km
5	Area of forest land involved.	1164 Ha.	595.64 Ha.	1003 Ha.	740 ha.
6	Total length of the tunnel.	18.5 km.	25.425 km.	30.20 km	34.03 km.

Alternative 2 is selected after critical techno-economic study and with environment evaluation and due to least requirement of forest land, i.e. 595.64 ha

HUBBALLI-ANKOLA NEW BG LINE: ALTERNATIVE ALIGNMENT EXAMINED



**Annexure III: Recommendations of CCF (Central) pertaining to Hubballi-Ankola
Railway Project**

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By Speed Post

Government of India
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Regional office (Southern Zone)
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Dated 15.4.2004

To

The Additional Director General of Forests
Ministry of Environment & Forests
Government of India
Paryavaran Bhavan, CGO Complex
NEW DELHI - 110 003.

Subject : Recommendations/comments of CCF(C) on the proposal of Forest land diversion for laying new Broad guage Railway Track between Hubli to Ankola in Western Ghats of Karnataka.

Reference: (1) Letter No. FEE 237 FGL 2002 Dated 29.11.2003 of Government of Karnataka addressed to Secretary to Government of India, MoEF and site inspection of the proposed Rail-route by Southern Zone, Regional Office of the Ministry.

(2) Letter No.A5(2)/GFL/CR-02/97-98 dated 20/22.10.2003 of PCCF, Karnataka addressed to Principal Secretary, Forest, Ecology and Environment Department, Government of Karnataka.

Sir,

Facts of the proposal

Instant proposal is for diversion of 965 ha. of forest land for laying 168 Kms length of new Broad guage rail track in the western ghats of Karnataka from Hubli to Ankola falling in Karwar, Yellapur and Dharwad, three forest divisions of the state forest department. The proposal of laying this new Broad guage track is mainly for transporting Iron and Manganese ore from Bellary-Hospet sector of Karnataka to upcoming two new ports of Tadri (near Ankola) and Karwar on western coast of the State and also to existing port of Vasco and Madgaon in Goa. The proposed track shall join existing Konkan Railway track (Mangalore to Goa in Western ghats) near Ankola, by forming a "Y" junction to facilitate movement in either direction. This is a joint venture of Ministry of

Railways and "Karnataka Rail Infrastructure Development" with an estimated expenditure of Rs.1153.08 crores. Total land being acquired for this project is 1384.40 ha., out of which 965 ha. is Reserve forest land, 173 ha. being wet land, 221 ha. dry land and balance of about 25.40 ha. is miscellaneous land.

Out of proposed total 168 kms of track-length approximately 120 kms. shall pass through reserve forest land. Length of 105 kms is proposed to pass through near plain or undulating terrain of scrub and dry deciduous forest but 63 kms of stretch would be almost in forest and having moist deciduous prime forests of SAHYADRI hills of Western ghats in Karnataka. Out of 63 kms of length proposed to pass through forests shall include about 20 kms of tunnel and rest above ground, of which a part shall be (approximately 25 kms) parallel to existing N.H. 63.

Purpose wise break-up of forest land required has been shown as follows in the proposal :

Sl. No.	Purpose	Forest land requirement
1	Railway track along with embankment	539.67 ha.
2	Railway stations, yards, quarters etc.	153.00 ha.
3	Roads and approaches	225.00 ha.
4	Dumps, cut spoils and earth quarry	043.30 ha.
	Total	960.97 ha.

Density of the vegetation through which proposed track shall pass varies from 2 to 1 and total no. of trees estimated to be felled is 2,65,834 including 18,280 poles of eucalyptus but excluding about 20,000 bamboos. A total enumeration of the trees to be felled is yet to be undertaken, and these estimates of felling is based only on a sample enumeration done so far. Extent of forest land requirement and estimated number of trees to be felled in three divisions are as follows :

Sl. No.	Name of Forest Division	Extent of forest land required	Estimated no. of trees to be felled	
			Trees	Bamboo
1	Karwar	381.03 ha.	1,98,135	19020
2	Dharwad	55.62 ha.	30,400	18280 (Eucalyptus)
3	Yellapur	529.31 ha.	19,019	
	Total	965.96 ha.	2,47,554	

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Altitude of alignment of proposed track varies from 15 mt. to 636 mt. above MSL and gradient is proposed to 1 into 100, against gradient of existing rail track (via. Castlerock-Kulem-Goa) of 1 into 37.

Comments/objections of the State Forest Department

Though Karnataka State is having 287 kms of coastline studded by 10 minor/intermediate ports between Karwar in North and Mangalore in South. Iron ore from Bellary-Hospet sector of Karnataka is mainly transported to ports of Chennai and Goa for export. Hubli-Vasco-da-Gama is already having a broad gauge rail track via castlerock and Kulem. Project proponents say that due to steep gradient of existing rail track a limited capacity of 6 million tones of iron ore can be transported per annum where as potential traffic in future is going to be in order of about 16 million tones per annum. They have also stated that presently only 1 million tones of iron ore is being transported through existing B.G. Railway track. They have not given any justification as to why existing rail track is under utilized but have told that upcoming Tadri and Karwar port shall be able to handle all 16 million tones of iron ore in future and new track shall require 2 locomotive engines only to pull the rack where as due to steeper gradient existing track to Goa requires about 5 engines to do the same work.

From the forwarding letter of State Government addressed to Secretary, Government of India, Ministry of Environment and Forests it appears that State Government is convinced that this proposed railway line shall further fragment already much fragmented prime forest of western ghat and shall seriously expose fresh areas to various anthropogenic pressures of forest degradation. Principal Chief Conservator of Forests, Karnataka in his referred letter (Reference 2 of this letter) has clearly expressed that he has personally inspected the alignment and has strongly felt that terrain and forest of the area really do not permit this proposed line but for the commitment of the Government for such proposed rail track he is recommending this proposal, with a hope that new railway connection may open vast possibilities of development. The Principal Chief Conservator of Forests, Karnataka in his letter has also expressed that for this railway track a comprehensive report was made available to the Government of State (vide letter dated 25.11.2002) where in this proposed track was considered non-feasible by the Department but was left to State Government to issue directions for consideration of proposal or otherwise. But subsequently Government issued directions to submit the proposal and accordingly PCCF prepared and submitted this proposal.

Concerned Conservator of Forests, Canara Circle though has recommended the proposal for acceptance but has clearly opined that from forest and forestry point of view this proposal is not acceptable (refer part III of the proposal). He has also expressed that felling of trees in undulating terrain, steep and precipitous slopes of moist deciduous semi evergreen forests shall be detrimental to flow of perennial water sources, it will cause heavy soil loss and loss of bio-diversity of the area. The Deputy Conservator of Forests, Yellapur and Karwar has certified that area is highly vulnerable and fragile from the point of view of ecology, soil loss and loss of bio-diversity and this proposed track laying shall have all these adverse effect on the forests. In nut shell all the concerned officers have though recommended the proposal but all have unanimously expressed same views that for the prime forests of western ghat this project shall play a havoc. Adverse comments of the Deputy Conservator of Forests, Conservator of Forests and Principal Chief Conservator of Forests has not been commented upon adequately and properly by the State Government except expressing that the project is inevitable for the State for its importance.

Gist of Site inspection report by D.C.F (C), Regional Office of Ministry of Environment and Forest, Bangalore

Site inspection of the proposed rail track requiring about 1000 ha. of prime forest in western ghat has been done by the Deputy Conservator of Forests (C) of this Regional Office and a report has also been submitted; the same is annexed with this letter. Site inspection has revealed that :

1. Railway authorities have not provided information regarding number of places where hill cutting shall be required, such places shall also require approach roads and provisions of debris-handling, but these have not been worked out.
2. New approaches shall certainly increase timber-trafficking and increased pressure of head-loaders on forests. Coming of small settlements near railway stations and other buildings cannot be ruled out which shall set a process of encroachment in virgin forest and forest land.
3. Ecological cost of the project shall be very huge as compared to tangible benefit of the project as has been expressed by Dy. Conservator of Forests, Karwar.
4. Process to get Environmental Clearance under E(P) Act, 1986 is yet to be initiated for this project.

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5. This proposed new track shall help only iron and manganese mines of Bellary-Hospet area for their transportation to Goa, Tadri and Dharwad ports. It shall not help much to local people as no passenger traffic is envisaged.
6. Ankola and Hubli is already connected with excellent road which is grossly under utilized.
7. The proposed track shall badly fragment habitat and essential corridor of elephant in the western ghats.
8. The area is habitat of rare and endangered endemic flora and fauna, a list of this flora and fauna has been given in the report of Dy. Conservator of Forests (C) and also in the proforma of proposal by the D.F.O., Yellapur and Karwar.
9. Alternative and existing rail track from Bellary-Hospet area of ores connecting port of Goa (via Castlerock and Kulem) is having an installed capacity of 6 million tones/annum is also grossly under utilized and is only being used to transport 1 million tones of ores presently as has been stated by Rail authorities themselves.
10. The forests through which rail track is proposed forms catchment area of major river system of Uttara Kannada District, and the project shall be detrimental to the hydrological system of the area.

Comments & opinion of the C.C.F (C), Southern Zone, Bangalore.

Before I express my comments on the proposed laying out of 168 K.M. length of Broad gauge in Western Ghats of Karnataka, it is essential and important to bring various related facts, which, the MoEF shall certainly like to take into account for taking a decision in the instant proposal of forestry clearance.

1. (a) The rail distance between the existing Hubli - Vasco is 230 K.M. whereas the distance between Hubli - Ankola - Karwar is 212 K.M. (Hubli - Ankola = 172 K.M. and Ankola - Karwar = 40 K.M). Virtually, the distance is the same for Hubli - Vasco route and Hubli - Ankola - Karwar proposed rail track.
- (b) Bellary-Hospet Iron Ore belt has one more alternative to reach the port of Visakhapatnam vide Guntakal Dronachalam and Guntur

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which has already been converted into Broad gauge and is yet to find adequate traffic. Moreover, the transshipment of iron ore to Visakhapatnam shall reduce the distance from port to the final destination of iron ore export which is mostly going to Japan, China, Taiwan and Korea. The port at Visakhapatnam is having more logistics and shall save cost of transshipments of ore to the foreign countries.

- (c) Since a high class ADB-added road-route, built at huge cost is already in existence which is meant for transporting iron ore from Bellary to Karwar, construction of a parallel facility shall only further aggravate the situation of the under-utilised road transport. Heavy duty trucks can very easily transport the iron ore from pit head to the port without hassles of transshipment between the pit head and rail head. Existent ADB-financed Hubli-Ankola route can take care of the increased transportation of iron ores in future too.
- 2 (a) Large number of integrated steel plants are existing in Bellary area. They do have their extension plan and their requirement of iron ore shall inevitably grow in future. If the ore is consumed locally, we may have value added products which shall improve the local economy and in much better way.
- (b) If export is continued in a very big way, it will not be very far when the existing steel plants shall not have enough ore to run their plants. The existing iron ore of Bellary-Hospet area shall hardly meet the demand of iron ore for the next 20 years, thereafter severe shortage of ore may be faced.
3. The construction of the proposed railway line shall divide Uttara ^{Kannada} district in two parts and this will result in loss of about 1300 hectares of forest land. The district is very rich in bio-diversity, forest wealth and wild life. Free movement of wild life in jungle shall be disturbed and elephant kill by the moving train may be rampant. Other than elephant, bison and many species of wild animal shall also be the victims of this railway track.
- 4 (a) It has been reported that due to migration of people to Uttara Kannada in the last several decades, there has been extensive forest land encroachment in the district. The official report says that 35,600 families have occupied 13,175 hectares of forest land and it is apprehended that the unofficial figure would be

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more. In addition, the incoming of about 1,500 rail employees, their families, labourers to lay the railway track, contractors, sub-contractors and suppliers shall also find place along this railway line. There is every likelihood of the people clearing fresh area of forest and settling in new places. This will be detrimental for the existing fragile eco-system of Western ghats.

- (b) During the last 30 years, the district of Uttara Kannada has lost about 13% of its forest cover and a total of 1,07,411 hectares of forest land has already been either diverted or encroached. With the aggravated encroachment and degradation, the forest of the region shall not survive for a long whereas it has taken million of years to evolve and to reach the present stage of evolution
- (c) Past experience shows that during the process or construction, much wider area than that officially asked on both the sides of the track is seriously affected. In this case, the width of the railway line including embankment is about 40 M., but the disturbance shall certainly be extended to 2 - 3 times more than the strip of forest land asked for.
- (d) The area through which the proposed railway track shall pass has very sparse population and people are not used to take long distance travel. Therefore, the revenue generation through passenger traffic shall be meager and the Railways shall have to depend mostly on iron ore traffic alone. The potential traffic in future, as has been stated by the project proponent, is going to be in the order of about 16 million tons. If the whole traffic goes to the proposed railway track, then the existing railway track to Vasco and also to Visakhapatnam may remain under-utilized. The expenditure already incurred for capacity enhancement of Vasco port may also become futile.


Considering all the above facts, the comments of the officers of State Forest Department and the facts found in site inspections, I am of the opinion that construction of the proposed new railway track from Hubli to Ankola for transporting mainly iron ore from Bellary area of Karnataka to the new upcoming ports of Tadri and Karwar has no much justification. On the other hand, this will simply be a tragedy on the prime forest of Western ghats of the much talked about biological hot-spot of the country. Vast stretch of prime forest shall be subject of serious soil loss, bio-diversity degradation, adverse impact on hydrological system of major rivers and irreversible effect of fragile ecological system of Western ghats. There are instances that many countries in

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the world are taking a special care for preserving their iron ore and other minerals for their future use and meeting their present requirements by purchasing the same. It is not advisable to take decision to export (exhaust) our natural resource (iron ore) so fast and also to sacrifice more than 2.5 lakhs trees in a bio-diversity rich fragile eco-system. No amount of mitigation shall compensate the huge cost of ecological damage which this project of rail track shall bring to the Western ghats. Under such situation, I shall only recommend rejection of this project by the Government of India.

Along with this letter, I also enclose a copy of letter No A-5/2/GFF/02/97-98 dated 25-11-2002 of P.C.C.F, Karnataka addressed to the State Principal Secretary, Forest, Ecology & Environment Department which is elaborate, and self-speaking on the matter, which I have already expressed in my comments. P.C.C.F, Karnataka have already opposed this project strongly and have also justified that the proposed rail track shall devastate prime forest and under-utilized alternative rail/road routes and ports are existent.

Yours faithfully,


15-4-04

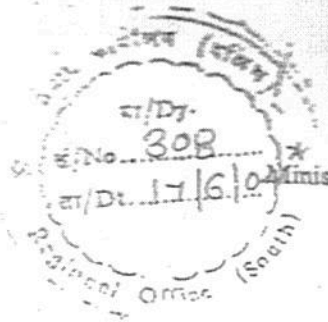
(B.N. JHA)

Chief Conservator of Forests (C)

- Encl : 1) Site Inspection report of DCF (C)
2) Letter No.A-5/GFF/CR-02/97-98 dt.25-11-2002 of PCCF addressed to Principal Secretary, Forest, Ecology & Environment Department, Karnataka.

**Annexure IV: Observations made by the Forest Advisory Committee of MoEFCC
pertaining to Hubballi-Ankola Railway Project**

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F. No. 8-13403-FC
Government of India
Ministry of Environment & Forests
F.C. Division

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 003.
New Delhi, the 10th June, 2004.

The Principal Secretary (Forests),
Government of Karnataka,
Bangalore.

Sub: Diversion of 965 ha. of forest land for construction of new broad gauge Hubli-Ankola Railway line in favour of South Western railways, Karnataka.

Sir,

I am directed to refer to your letter No. FEE 237 FGL 2002 dated: 29-11-2003 on the above mentioned subject seeking prior approval of the Central Govt. under Forest (Conservation) Act, 1980 under Section-2 of Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

The Committee observed that "The construction of the proposed new railway track from Hubli to Ankola for transporting mainly iron ore has no much justification. On the other hand, this will simply be a tragedy on the prime forests of Western Ghats and of the biological hot spot of the country. Vast stretch of prime forests shall be subject to serious soil loss, biodiversity degradation, adverse impact on hydrological system of major rivers and irreversible effect on fragile ecosystem of Western Ghats." Further, the Committee also observed that the rail distance between existing Hubli - Vasco railway line is 230-km., whereas the distance between proposed Hubli - Anokola - Karwar is 212 km. There is a marginal difference of 18 km. in the distance between the existing and the proposed railway track for which such a large area of beautiful forests and biological hot-spot eco-fragile Western Ghats should not be sacrificed and it will also not help to local people as no passenger traffic is envisaged. It is proposed mainly for transportation of iron and manganese ores from Bellary-Hospet region. The Committee also considered that the mines are continuously depleting resources, hence the utility of the proposed railway line may not exist in long run.

In view of the observations made by the Advisory Committee, the Central Government do not find any justification for the proposal and therefore, hereby rejects the proposal on merit.

Yours faithfully,

[Signature]

(Anurag Bajpai)

Assistant Inspector General of Forests

[Handwritten initials]

Copy to:

1. The Principal Chief Conservator of Forests, Government of Karnataka, Bangalore.
2. Nodal Officer, Office of the PCCF, Government of Karnataka, Bangalore.
3. The Chief Conservator of Forest, Regional Office, Bangalore.
4. RO(HQ), New Delhi
5. South Western Railways
6. Monitoring Cell, FC Division.
7. PCCF(FC)
8. PCCF(S)

[Signature]
11/6/04

(Anurag Bajpai)

Assistant Inspector General of Forests

Annexure V: Office Memorandum issued by MoEFCC (WL Division) pertaining to site inspection of Hubballi-Ankola Railway Project



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

Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi 110 003

F.No. 6-251/2017 WL

Date: 19th April 2018

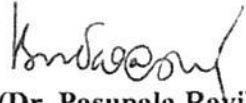
02
25/4/18

OFFICE MEMORANDUM

Sub: Diversion of 595.64 ha of forestland in Karwar, Yellapura and Dharwad Division for the construction of New Broad Gauge Railway line of Hubballi - Ankola- reg.


As per the decision the Standing Committee of NBWL in its 48th meeting held on 27th March 2018, a committee comprising of the following is constituted for inspecting the aforesaid project site. The committee will visit the project site and submit a detailed report to this Ministry within one month for further consideration-

1. Representative, WII, Dehradun
2. Representative, NTCA, New Delhi
3. Representative, Wildlife Division, MoEF&CC, New Delhi



(Dr. Pasupala Ravi)
Scientist C

Copy to

- (1) PS to Hon'ble Minister, MoEF&CC
- (2) PPS to DGF&SS, MoEF&CC
- (3) Director, WII, Dehradun / MS(NTCA)
- (4) PPS to ADGF(WL)/PPS to IGF(WL)/PS to DIG(WL)

Received at Tiger Cell
Date 26/04/2018
Signature 

D/WII OFFICE
DIARY NO.: 3981
DATE: 26/4/18

D. Y. V. Trala
+
Tiger Cell -
Mr. nominate

24/4/18

Annexure VI: Lok Sabha Question on wildlife mortality on Railway Track in India

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS**

**LOK SABHA
UNSTARRED QUESTION NO. 16
TO BE ANSWERED ON 18.07.2018**

WILDLIFE KILLED ON RAILWAY TRACKS

**16. SHRI JANARDAN SINGH SIGRIWAL:
KUMARI SUSHMITA DEV:**

Will the Minister of RAILWAYS be pleased to state:

- (a) the number of elephants and wild life killed on the railway tracks during the last three years and the current year in the country, zone-wise and State-wise along with the reasons therefor;**
- (b) whether the Railways has conducted any inquiry in the matter;**
- (c) if so, the details thereof and if not, the reasons therefor; and**
- (d) the steps taken/being taken by the Railways to check recurrence of such incidents on the railway tracks in future?**

ANSWER

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS

(SHRI RAJEN GOHAIN)

(a) to (d) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF UNSTARRED QUESTION NO. 16 BY SHRI JANARDAN SINGH SIGRIWAL AND KUMARI SUSHMITA DEV TO BE ANSWERED IN LOK SABHA ON 18.07.2018 REGARDING WILDLIFE KILLED ON RAILWAY TRACKS

(a) The details of elephants and wild life killed on the railway tracks due to train hits year-wise and zone-wise during the last three years and the current year are as under:

Year	2015		2016		2017		2018*		Total	
	Item	Item	Item	Item	Item	Item	Item	Item	Item	
Railway	E^	W^^	E^	W^^	E^	W^^	E^	W^^	E^	W^^
East Central	0	1	0	0	0	0	0	0	0	1
East Coast	1	1	0	0	0	0	0	0	1	1
Northern	1	0	1	0	0	0	3	0	5	0
North Eastern	0	0	0	0	2	1	1	0	3	1
Northeast Frontier	9	0	9	0	5	0	8	0	31	0
Southern	0	0	4	0	0	0	0	0	4	0
South Central	0	0	0	6	0	0	0	0	0	6
South Eastern	0	0	5	0	1	0	4	0	10	0
South East Central	0	0	0	0	1	1	0	0	1	1
South Western	0	0	0	0	1	0	2	1	3	1
West Central	0	2	0	2	0	4	0	3	0	11
Total	11	4	19	8	10	6	18	4	58	22
*Upto 30.06.2018.										
E^= Elephant killed on railway tracks.										
W^^= Wild life, other than elephants, killed on railway track.										

(b) to (d) In cases of killing of elephants/wild life on railway tracks, Zonal Railways investigate the incidences and conduct inquiry wherever necessary. Based on the findings in investigation/enquiry, a number of preventive measures are taken by Zonal Railways in coordination with Ministry of Environment and Forest which include the following:

(i) Imposition of speed restrictions in identified locations,

-2-

(ii) Provision of signage board to warn loco pilots about identified elephant corridors,

(iii) Sensitization of Train Crew and Station Masters on a regular basis,

(iv) Need based clearance of vegetation on the sides of the track within railway land,

(v) Construction of underpasses and ramps for the movement of elephants at identified locations and

(vi) Provision of fencing at isolated locations.

Annexure VII: Details of tunnels, viaducts and bridges proposed on Hubballii – Ankola Railway Track

LIST OF TUNNELS PROPOSED				
Sl. No.	From	To	Length (m)	Remarks
1	60275	61025	750	Cut& fill, width more than 10m
2	76675	76975	300	Cut& fill, width more than 10m
3	79000	80425	1425	
4	88650	89210	560	Partially cut& fill, width more than 10m
5	92850	97050	4200	
6	97200	98050	850	
7	98150	98500	350	
8	100650	101900	1250	
9	103175	103300	125	Additionally Introduced
10	104350	104800	450	
11	105150	109820	4670	
12	111350	112200	850	
13	115000	115200	200	Additionally Introduced
14	119100	120350	1250	
15	121300	122825	1525	
16	123025	123650	625	
17	124000	124150	150	
18	125200	125450	250	
19	126250	126400	150	
20	127950	128500	550	
21	128650	129000	350	
22	129750	130200	450	
23	131050	131275	225	Additionally Introduced
24	132550	133250	700	
25	137100	137450	350	
26	138400	138550	150	Additionally Introduced
27	139850	140125	275	Additionally Introduced
28	149200	149650	450	
29	154630	157300	2670	
30	159250	159525	275	Additionally Introduced
31	160850	161150	300	
			26675	

LIST OF VIADUCTS PROPOSED				
Sl. No.	From	To	Length (m)	Remarks
1	48300	48500	200	
2	58400	58525	125	
3	58825	58975	150	
4	59925	59975	50	
5	62675	62800	125	
6	64525	64775	250	
7	69250	69475	225	
8	71550	72525	975	
9	73000	73125	125	
10	86550	86825	275	
11	87625	88250	625	
12	89850	90300	450	
13	111200	111250	50	
14	112575	113550	975	
15	114375	114665	290	
16	118050	118150	100	
17	118300	118525	225	
18	124325	124775	450	
19	125925	126150	225	
20	131975	132300	325	
21	133425	133950	525	
22	136700	136800	100	
23	138900	139625	725	
24	141925	142150	225	
25	144925	145350	425	
26	150100	150275	175	
27	151225	151250	25	
			8415	

SOUTH WESTERN RAILWAY							
New Broad Gauge Line between HUBLI and ANKOLA (164.439 Km)							
List of Structures/Bridges							
S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks	
1	bp-1	0	1 x 3.00 x 2.000	RCC Box	Minor Br.	Byepass	
2	bp-2	0	1 x 3.00 x 2.000	RCC Box	Minor Br.	Byepass	
3	1	2362	1 x 1.25 Extn	RCC Slab	Minor Br.		
4	2	4383	2 x 0.91 Extn	RCC Pipe	Minor Br.		
5	3	5225	1 x 12.20	PSC Gird	Hubli - Nallihala village	ROB	
6	4	6075	1 x 2.00 x 2.350	RCC Box	Minor Br.		
7	5	7028	1 x 12.20	PSC Gird	Hubli - Tadapatti Road	ROB	
8	6	7700	1 x 2.00 x 1.000	RCC Box	Minor Br.		
9	7	8722	1 x 4.00 x 3.000	RCC Box	Minor Br.		
10	8	9018	2 x 3.00 x 1.800	RCC Box	Minor Br.		
11	9	9778	1 x 3.00 x 1.532	RCC Box	Minor Br.		
12	10	9875	1 x 12.20 4 lanes	PSC Gird	Poona - Bangalore (NH-4)	ROB	
13	11	10261	2 x 3.00 x 1.530	RCC Box	Minor Br.		
14	12	11632	3 x 12.20	PSC GIRDER	MAJOR		
15	13	12360	9 x 12.20	PSC GIRDER	MAJOR		
16	14	12800	1 x 3.00 x 3.350	RCC Box	Minor Br.		
17	15	12830	1 x 10.50 x 5.500	RCC BOX	Hubli - Mavanur	RUB	
18	16	13200	1 x 3.00 x 3.350	RCC Box	Minor Br.	Water Way/Animal Crossing	
19	17	13900	1 x 12.20	PSC Gird	Hubli - Mavanur	ROB	
20	18	15290	2 x 4.50 x 1.613	RCC Box	Minor Br.	Water Way/Animal Crossing	
21	19	16110	1 x 12.20	PSC Gird	Giriyala -Channapura Road	ROB	
22	20	16600	2 x 4.00 x 3.500	RCC Box	Minor Br.		
23	21	16995	1 x 3.50 x 3.500	RCC Box	Minor Br.		
24	22	17254	1 x 3.00 x 3.140	RCC Box	Minor Br.		
25	23	17360	2 x 3.50 x 3.950	RCC Box	Minor Br.		
26	24	18640	1 x 12.20	PSC Gird	Chouragudda -Ramapura Rd	ROB	
27	25	19787	2 x 18.30	PSC GIRDER	MAJOR		
28	26	19942	1 x 3.00 x 2.800	RCC Box	Minor Br.		
29	27	20300	1 x 3.00 x 2.300	RCC Box	Minor Br.		
30	28	20400	1 x 1.20	RCC Pipe	Minor Br.		
31	29	20780	2 x 3.00 x 1.818	RCC Box	Minor Br.		
32	30	21005	1 x 12.20	PSC Gird	Hubli - Mishrikoti	ROB	
33	31	21525	1 x 12.20	PSC Gird	Kondikoppa - Mishrikoti Road	ROB	
34	32	21700	1 x 2.00 x 2.000	RCC Box	Minor Br.		
35	33	22500	2 x 4.50 x 6.000	RCC Box	Minor Br.		
36	34	22550	1 x 1.20 field ch	RCC Pipe	Minor Br.		
37	35	23025	1 x 1.20 field ch	RCC Pipe	Minor Br.		
38	36	23300	2 x 6.00 x 6.000	RCC Box	Minor Br.		
39	37	23650	2 x 2.50 x 3.000	RCC Box	Minor Br.		
40	38	23750	1 x 12.20	PSC Gird	Mishrikoti Road - Ugginakere	ROB	
41	39	24115	1 x 3.00 x 3.850	RCC Box	Minor Br.		
42	40	24860	2 x 6.00 x 5.850	RCC Box	Minor Br.		
43	41	25320	1 x 12.20	PSC Gird	Hubli - Kamadhenu Road	ROB	
44	42	25525	1 x 4.00 x 2.000	RCC Box	Minor Br.		
45	43	26177	1 x 3.00 x 3.000	RCC Box	Minor Br.		
46	44	26358	1 x 12.20	PSC Gird	Hubli - Ramanahal Road	ROB	
47	45	26560	1 x 1.20	RCC Pipe	Minor Br.		
48	46	26950	1 x 3.00 x 1.660	RCC Box	Minor Br.		
49	47	27680	1 x 2.00 x 2.000	RCC Box	Minor Br.		
50	48	27804	1 x 10.50 x 5.500	RCC BOX	Hubli - Ramanahal	RUB	
51	49	28050	1 x 3.50 x 3.850	RCC Box	Minor Br.		
52	50	28550	1 x 3.00 x 3.850	RCC Box	Minor Br.		
53	51	29275	1 x 3.00 x 2.300	RCC Box	Minor Br.		
54	52	29360	5 x 18.30	PSC GIRDER	MAJOR		
55	53	29975	1 x 4.00 x 3.000	RCC Box	Minor Br.		
56	54	30725	1 x 2.00 x 2.000	RCC Box	Minor Br.		
57	55	31000	1 x 12.20	PSC Gird	Hubli - Sanghadevarakoppa	ROB	
58	56	32230	1 x 10.50 x 5.500	RCC BOX	Hubli - Tadasa	RUB	
59	57	32375	1 x 2.00 x 1.800	RCC Box	Minor Br.		
60	59	32950	2 x 12.20	PSC GIRDER	MAJOR		
61	58	33600	1 x 10.50 x 5.500	RCC BOX	Khalghatgi - Tadasa	RUB	
62	60	34165	1 x 24.40 yard	PSC Gird	Kalghatgi - Machapura Road	ROB	
63	61	34700	1 x 2.00 x 2.350	RCC Box	Minor Br.		

S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks
64	62	35475	1 x 3.00 x 3.850	RCC Box	Minor Br.	
65	63	36350	1 x 3.00 x 3.500	RCC Box	Minor Br.	Water Way/Animal Crossing
66	64	36765	1 x 18.30	PSC GIRDER	MAJOR	
67	65	37870	2 x 12.20	PSC GIRDER	MAJOR	
68	66	38670	1 x 12.20	PSC Gird	Hubli - Galaginakatti	ROB
69	67	39325	1 x 3.00 x 2.154	RCC Box	Minor Br.	
70	68	40175	1 x 6.00 x 3.850	RCC Box	Minor Br.	
71	69	40600	1 x 3.00 x 3.350	RCC Box	Minor Br.	
72	70	41265	1 x 3.00 x 3.850	RCC Box	Minor Br.	
73	71	41775	1 x 10.50 x 5.500	RCC BOX	Devikoppa - Linghanahalli	RUB
74		42000	42050		Ramp of 1 in 5 in cutting	
75		42050	42250		Cut & fill Tunnel	Land Bridge
76	72	42203	1 x 12.20	PSC Gird	Devikoppa - Tambur	ROB
77		42250	42300		Ramp of 1 in 5 in cutting	
78		42300	42800		Ramp of 1 in 5 in embank.	
79	73	42350	1 x 3.00 x 3.850	RCC Box	Minor Br.	
80	74	42700	1 x 3.00 x 2.652	RCC Box	Minor Br.	
81		42800	43000		Ramp of 1 in 5 in cutting	
82		43000	43350		Cut & fill Tunnel	Land Bridge
83		43350	43450		Ramp of 1 in 5 in cutting	
84		43450	43750		Ramp of 1 in 5 in embank.	
85	75	43784	1 x 3.00 x 3.000	RCC Box	Minor Br.	
86		44050	44300		Ramp of 1 in 5 in embank.	
87		44325	44725		Ramp of 1 in 5 in embank.	
88		44975	45000		Ramp of 1 in 5 in embank.	
89	79	45050	1 x 5.00 x 1.800	RCC Box	Minor Br.	
90	80	46425	1 x 3.00 x 3.500	RCC Box	Minor Br.	Water Way/Animal Crossing
91	81	46700	1 x 3.00 x 3.500	RCC Box	Minor Br.	Water Way/Animal Crossing
92	82	47850	1 x 3.00 x 3.500	RCC Box	Minor Br.	
93		48000	48300		Ramp of 1 in 5 in embank.	
94	83	48008	1 x 3.00 x 3.500	RCC Box	Minor Br.	
95	1	48300	48500		12.20mX30m span/ht	Viaduct/Elephant Crossing
96		48700	49050		Ramp of 1 in 5 in embank.	
97	85	48950	2 x 4.50 x 1.600	RCC Box	Minor Br.	
98		49050	49300		Ramp of 1 in 5 in cutting	
99	86	49200	1 x 12.20	PSC Gird	Sanglikoppa - Halaginakoppa	ROB
100		49300	49475		Cut & fill Tunnel	Land Bridge
101		49475	49800		Ramp of 1 in 5 in cutting	
102		49800	50900		Ramp of 1 in 5 in embank.	
103	87	49875	1 x 5.00 x 2.200	RCC Box	Minor Br.	
104	89	50475	1 x 10.50 x 5.500	RCC BOX	Hosalli - Kerewade	RUB
105	90	50650	1 x 3.00 x 3.850	RCC Box	Minor Br.	
106		50700			12.20mX2m span/ht	Elephant Crossing
107		50900	51000		Ramp of 1 in 5 in cutting	
108		51100			12.20mX4m span/ht	Elephant Crossing
109	91	51625	1 x 12.20	PSC GIRDER	MAJOR	
110	92	51975	2 x 3.50 x 3.850	RCC Box	Minor Br.	
111	93	52550	1 x 3.00 x 3.000	RCC Box	Minor Br.	
112	94	52950	2 x 3.00 x 3.500	RCC Box	Minor Br.	
113	95	53400	1 x 3.00 x 3.500	RCC Box	Minor Br.	
114	96	53975	2 x 3.00 x 3.850	RCC Box	Minor Br.	
115	86	54615	1 x 12.20	PSC Gird	Kiravatti - Maddanur	ROB
116	98	54750	1 x 3.00 x 2.500	RCC Box	Minor Br.	
117		55100			12.20mX4m span/ht	Elephant Crossing
118	99	56675	2 x 3.00 x 2.208	RCC Box	Minor Br.	
119		56950			12.20mX8m span/ht	Elephant Crossing
120		57000	57125		Ramp of 1 in 5 in embank.	
121		57175	57325		Ramp of 1 in 5 in embank.	
122		57325	57600		Ramp of 1 in 5 in cutting	
123		57450			12.20mX6m span/ht	Elephant Crossing
124		57600	57810		Ramp of 1 in 5 in embank.	
125	101	57810	1 x 3.00 x 3.764	RCC Box	Minor Br.	
126		57840	58825		Ramp of 1 in 5 in embank.	
127	102	57875	1 x 10.50 x 5.500	RCC BOX	NH-63 - Jogikoppa	RUB
128	2	58400	58525			Viaduct
129	103	58475	1 x 12.20	PSC GIRDER	MAJOR	

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S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks
130	3	58825	58975			Viaduct
131		58925	59475		Ramp of 1 in 5 in embank.	
132	105	59300	1 x 4.00 x 1.945	RCC Box	Minor Br.	
133		59475	59775		Ramp of 1 in 5 in cutting	
134		59775	59900		Ramp of 1 in 5 in embank.	
135	4	59925	59975			Viaduct
136		59950			12.20mX6m span/ht	Elephant Crossing
137		59975	60075		Ramp of 1 in 5 in embank.	
138		60075	60275		Ramp of 1 in 5 in cutting	
139		60275	61025		Cut & fill Tunnel	Land Bridge
140	1	60275	61025		Cut& fill, land >10m.	Tunnel
141	107	60797	1 x 12.20	PSC Gird	NH-63 - Domagere	ROB
142		61025	61275		Ramp of 1 in 5 in cutting	
143		61275	62000		Ramp of 1 in 5 in embank.	
144	108	61320	1 x 5.00 x 3.500	RCC Box	Minor Br.	
145	109	61370	1 x 3.00 x 3.500	RCC Box	Minor Br.	
146	110	61435	1 x 3.00 x 3.500	RCC Box	Minor Br.	
147	111	61805	2 x 6.00 x 3.850	RCC Box	Minor Br.	
148	5	62675	62800			Viaduct
149	113	62700	1 x 18.30	PSC GIRDER	MAJOR	
150		63300			12.20mX2m span/ht	Elephant Crossing
151	114	63950	2 x 3.50 x 1.731	RCC Box	Minor Br.	
152	115	64325	1 x 10.50 x 5.500	RCC BOX	Mavolli - Ramankoppa	RUB
153	6	64525	64775			Viaduct
154	116	64575	1 x 3.00 x 3.850	RCC Box	Minor Br.	
155	117	64757	2 x 12.20	PSC GIRDER	MAJOR	
156		64900			12.20mX2m span/ht	Elephant Crossing
157		65600			12.20mX2m span/ht	Elephant Crossing
158	118	65630	1 x 10.50 x 5.500	RCC BOX	NH-63 - Ramanakoppa	RUB
159	119	65725	2 x 3.50 x 3.000	RCC Box	Minor Br.	
160	120	66310	1 x 3.00 x 1.507	RCC Box	Minor Br.	
161	121	66600	1 x 4.00 x 2.088	RCC Box	Minor Br.	
162	122	67100	1 x 3.00 x 2.000	RCC Box	Minor Br.	
163		67700			12.20mX2m span/ht	Elephant Crossing
164	123	68440	1 x 3.00 x 3.500	RCC Box	Minor Br.	
165	124	68500	1 x 3.00 x 3.500	RCC Box	Minor Br.	
166	125	68800	1 x 3.50 x 3.500	RCC Box	Minor Br.	
167		68900			12.20mX2m span/ht	Elephant Crossing
168	7	69250	69475			Viaduct
169	126	69355	2 x 12.20	PSC GIRDER	MAJOR	
170	127	70315	1 x 12.20	PSC Gird	NH-63 - Linganakoppa	ROB
171	128	70400	1 x 12.20	PSC GIRDER	MAJOR	
172	8	71550	72525			Viaduct
173	129	71560	1 x 3.00 x 3.500	RCC Box	Minor Br.	
174	130	71800	1 x 10.50 x 5.500	RCC BOX	NH-63 - Kondemane	RUB
175	131	72080	1 x 12.20	PSC GIRDER	MAJOR	
176	132	72300	2 x 3.00 x 2.098	RCC Box	Minor Br.	
177	133	72530	1 x 3.00 x 3.000	RCC Box	Minor Br.	
178	134	72975	1 x 10.50 x 5.500	RCC BOX	Yellapura - Mundagod	RUB
179	9	73000	73125			Viaduct
180	135	73075	1 x 3.00 x 3.500	RCC Box	Minor Br.	
181	136	73400	1 x 3.00 x 3.500	RCC Box	Minor Br.	
182	137	73650	1 x 3.00 x 3.500	RCC Box	Minor Br.	
183	138	74100	1 x 12.20	PSC Gird	Yellapura - Sirsi	ROB
184	139	74300	2 x 4.00 x 2.494	RCC Box	Minor Br.	
185	140	74400	2 x 4.00 x 3.331	RCC Box	Minor Br.	
186	141	74512	1 x 12.20	PSC Gird	Sirsi Road - Narayanpura	ROB
187	142	74825	1 x 3.00 x 3.500	RCC Box	Minor Br.	
188	143	75708	1 x 12.20	PSC Gird	NH-63 - Sabgere	ROB
189	144	76675	76975		Cut& fill, land >10m.	Tunnel
190	144	77350	1 x 12.20	PSC Gird	NH-63 - Magod	ROB
191	145	79000	80425			Tunnel
192	145	80680	1 x 3.00 x 3.000	RCC Box	Minor Br.	
193	146	81080	1 x 3.00 x 3.000	RCC Box	Minor Br.	
194	147	83720	1 x 12.20	PSC Gird	Idgundi - Arabail	ROB
195	148	86300	1 x 3.00 x 4.000	RCC Box	Minor Br.	

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S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks
196	149	86500	1 x 3.00 x 4.000	RCC Box	Minor Br.	
197	10	86550	86825			Viaduct/Animal Crossing
198	150	87090	1 x 10.50 x 5.500	RCC BOX	NH-63 - Biragadde	RUB
199	151	87480	1 x 3.00 x 4.000	RCC Box	Minor Br.	
200	11	87625	88250			Viaduct/Animal Crossing
201	12	88650	89210		Partially cut& fill, land >10m.	Tunnel
202	152	89230	1 x 3.00 x 4.000	RCC Box	Minor Br.	
203	12	89850	90300			Viaduct/Animal Crossing
204	153	90100	1 x 3.00 x 4.000	RCC Box	Minor Br.	
205	154	91270	1 x 12.20	PSC Gird	Mathehuk - Telengeri	ROB
206	155	91350	1 x 12.20	PSC GIRDER	MAJOR	
207	156	92850	97050			Tunnel
208	156	92880	1 x 3.00 x 4.000	RCC Box	Minor Br.	
209	157	96200	1 x 3.00 x 4.000	RCC Box	Minor Br.	
210	160	97081	1 x 6.10	PSC SLAB	Minor Br.	
211	161	97200	98050			Tunnel
212	158	98050	1 x 3.00 x 4.000	RCC Box	Minor Br.	
213	159	98150	98500			Tunnel
214	161	98725	2 x 6.10	RCC Slab	Minor Br.	
215	162	98970	1 x 3.05	RCC Slab	Minor Br.	
216	163	99150	1 x 10.50 x 5.500	RCC BOX	NH-63 - Kodlagadde	RUB
217	159	99200	1 x 3.00 x 4.000	RCC Box	Minor Br.	
218	164	99475	1 x 6.10	RCC Slab	Minor Br.	
219	165	99525	1 x 3.05	RCC Slab	Minor Br.	
220	166	99921	1 x 6.10	RCC Slab	Minor Br.	
221	167	100056	1 x 6.10	RCC Slab	Minor Br.	
222	168	100206	1 x 6.10	RCC Slab	Minor Br.	
223	169	100650	101900			Tunnel
224	169	102181	1 x 3.05	RCC Slab	Minor Br.	
225	170	102215	1 x 3.05	RCC Slab	Minor Br.	
226	173	102552	1 x 18.30	PSC GIRDER	MAJOR	
227	172	102750	1 x 3.05	RCC Slab	Minor Br.	
228	173	102900	1 x 3.05	RCC Slab	Minor Br.	
229	174	102975	1 x 6.10	RCC Slab	Minor Br.	
230	175	103425	1 x 6.10	PSC SLAB	Minor Br.	
231	178	103515	4 x 18.30	PSC GIRDER	MAJOR	
232	179	103750	4 x 18.30	PSC GIRDER	MAJOR	
233	180	104140	2 x 12.20	PSC GIRDER	MAJOR	
234	181	104350	104800			Tunnel
235	182	105150	109820			Tunnel
236	179	110015	1 x 3.05	RCC Slab	Minor Br.	
237	182	110095	4 x 12.20	PSC GIRDER	MAJOR	
238	181	110875	1 x 6.10	RCC Slab	Minor Br.	
239	13	111200	111250			Viaduct
240	14	111350	112200			Tunnel/Land Bridge (115.100)
241	183	112360	1 x 3.05	RCC Slab	Minor Br.	
242	184	112410	1 x 3.05	RCC Slab	Minor Br.	
243	185	112527	1 x 3.05	RCC Slab	Minor Br.	
244	14	112575	113550			Viaduct
245	186	112580	1 x 3.05	RCC Slab	Minor Br.	
246	187	112708	1 x 3.05	RCC Slab	Minor Br.	
247	189	113296	1 x 3.05	RCC Slab	Minor Br.	
248	192	113385	2 x 12.20	PSC GIRDER	MAJOR	
249	193	113500	2 x 12.20	PSC GIRDER	MAJOR	
250	192	113662	1 x 3.05	RCC Slab	Minor Br.	
251	193	113983	1 x 3.05	RCC Slab	Minor Br.	
252	194	114203	1 x 1.83	RCC Slab	Minor Br.	
253	195	114306	1 x 3.05	RCC Slab	Minor Br.	
254	196	114368	1 x 1.83	RCC Slab	Minor Br.	
255	15	114375	114665			Viaduct
256	197	114671	1 x 3.05	RCC Slab	Minor Br.	
257	198	114742	1 x 1.83	RCC Slab	Minor Br.	
258	199	114775	1 x 3.05	RCC Slab	Minor Br.	
259	202	114886	2 x 18.30	PSC GIRDER	MAJOR	
260	201	115239	1 x 6.10	RCC Slab	Minor Br.	
261	202	115387	1 x 3.05	RCC Slab	Minor Br.	

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S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks
262	203	115454	1 x 3.05	RCC Slab	Minor Br.	
263	204	115477	1 x 3.05	RCC Slab	Minor Br.	
264	205	115514	1 x 3.05	RCC Slab	Minor Br.	
265	206	115679	1 x 1.83	RCC Slab	Minor Br.	
266	207	115760	1 x 3.05	RCC Slab	Minor Br.	
267	208	115868	1 x 3.05	RCC Slab	Minor Br.	
268	209	115945	1 x 3.05	RCC Slab	Minor Br.	
269	210	116125	1 x 3.05	RCC Slab	Minor Br.	
270	211	116159	1 x 3.05	RCC Slab	Minor Br.	
271	214	116311	3 x 12.20	PSC GIRDER	MAJOR	
272	215	116442	2 x 12.20	PSC GIRDER	MAJOR	
273	214	116859	1 x 6.10	RCC Slab	Minor Br.	
274	215	116936	1 x 3.05	RCC Slab	Minor Br.	
275	218	117028	2 x 12.20	PSC GIRDER	MAJOR	
276	217	117353	1 x 3.05	RCC Slab	Minor Br.	
277	218	117572	1 x 3.05	RCC Slab	Minor Br.	
278	16	118050	118150			Viaduct
279	219	118070	1 x 6.10	RCC Slab	Minor Br.	
280	17	118300	118525			Viaduct
281	222	118347	5 x 18.30	PSC GIRDER	MAJOR	
282	221	118460	1 x 3.05	RCC Slab	Minor Br.	
283	222	118559	1 x 3.05	RCC Slab	Minor Br.	
284	225	118968	2 x 12.20	PSC GIRDER	MAJOR	
285	226	119100	120350			Tunnel
286	224	120425	1 x 6.10	RCC Slab	Minor Br.	
287	225	120639	2 x 3.05	RCC Slab	Minor Br.	
288	228	120825	2 x 12.20	PSC GIRDER	MAJOR	
289	229	120965	1 x 12.20	PSC GIRDER	MAJOR	
290	230	121236	1 x 12.20	PSC GIRDER	MAJOR	
291	231	121300	122825			Tunnel
292	231	122840	5 x 18.30	PSC GIRDER	MAJOR	
293	232	123025	123650			Tunnel
294	233	124000	124150			Tunnel
295	18	124325	124775			Viaduct/Animal Crossing
296	232	124341	3 x 12.20	PSC GIRDER	MAJOR	
297	231	124548	1 x 3.05	RCC Slab	Minor Br.	
298	232	124750	1 x 6.10	RCC Slab	Minor Br.	
299	233	124825	2 x 3.05	RCC Slab	Minor Br.	
300	234	125200	125450			Tunnel
301	234	125821	2 x 3.05	RCC Slab	Minor Br.	
302	235	125921	1 x 6.10	RCC Slab	Minor Br.	
303	19	125925	126150			Viaduct/Animal Crossing
304	238	126085	3 x 30.50	PSC GIRDER	MAJOR	
305	239	126250	126400			Tunnel
306	237	126937	1 x 6.10	RCC Slab	Minor Br.	
307	238	127000	1 x 3.05	RCC Slab	Minor Br.	
308	239	127070	1 x 6.10	PSC SLAB	Minor Br.	
309	240	127325	1 x 6.10	RCC Slab	Minor Br.	
310	241	127554	1 x 3.05	RCC Slab	Minor Br.	
311	242	127717	1 x 3.05	RCC Slab	Minor Br.	
312	243	127765	1 x 3.05	RCC Slab	Minor Br.	
313	244	127846	1 x 6.10	RCC Slab	Minor Br.	
314	245	127950	128500			Tunnel
315	246	128650	129000			Tunnel
316	247	129382	3 x 12.20	PSC GIRDER	MAJOR	
317	248	129750	130200			Tunnel/Land Bridge
318	248	130490	2 x 12.20	PSC GIRDER	MAJOR	
319	247	130635	1 x 6.10	RCC Slab	Minor Br.	
320	250	130791	2 x 12.20	PSC GIRDER	MAJOR	
321	251	130895	2 x 12.20	PSC GIRDER	MAJOR	
322	250	131338	1 x 3.05	RCC Slab	Minor Br.	
323	251	131408	1 x 3.05	RCC Slab	Minor Br.	
324	254	131748	2 x 12.20	PSC GIRDER	MAJOR	
325	253	131850	1 x 3.05	RCC Slab	Minor Br.	
326	20	131975	132300			Viaduct
327	254	132005	1 x 3.05	RCC Slab	Minor Br.	

S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks
328	255	132158	1 x 3.05	RCC Slab	Minor Br.	
329	256	132235	1 x 3.05	RCC Slab	Minor Br.	
330	257	132375	2 x 6.10	PSC SLAB	Minor Br.	
331	258	132550	133250			Tunnel/Land Bridge
332	21	133425	133950			Viaduct
333	258	133445	2 x 6.10	RCC Slab	Minor Br.	
334	259	133798	2 x 6.10	RCC Slab	Minor Br.	
335	260	134118	1 x 10.50 x 5.500	RCC BOX	NH-63 - Kotepal	RUB
336	261	134218	2 x 4.00 x 4.000	RCC Box	Minor Br.	
337	262	134439	1 x 10.50 x 5.500	RCC BOX	NH-63 - Savenpal	RUB
338	263	134705	1 x 3.00 x 3.000	RCC Box	Minor Br.	
339	264	135089	1 x 10.50 x 5.500	RCC BOX	NH-63 - Hegdekoppa	RUB
340	265	135262	2 x 3.00 x 3.000	RCC Box	Minor Br.	
341	268	135814	1 x 12.20	PSC GIRDER	MAJOR	
342	267	135994	1 x 10.50 x 5.500	RCC BOX	NH-63 - Kotepal	RUB
343	268	136150	1 x 3.00 x 3.000	RCC Box	Minor Br.	
344	269	136596	1 x 2.00 x 2.000	RCC Box	Minor Br.	
345	22	136700	136800			Viaduct
346	270	136715	1 x 2.00 x 2.000	RCC Box	Minor Br.	
347	271	136960	1 x 3.00 x 3.584	RCC Box	Minor Br.	
348	272	137100	137450			Tunnel/Land Bridge
349	272	137642	2 x 3.00 x 2.303	RCC Box	Minor Br.	
350	273	137754	2 x 3.00 x 2.622	RCC Box	Minor Br.	
351	274	138750	1 x 2.00 x 2.000	RCC Box	Minor Br.	
352	23	138900	139625			Viaduct
353	275	138950	2 x 4.00 x 4.000	RCC Box	Minor Br.	
354	276	139113	1 x 3.00 x 3.000	RCC Box	Minor Br.	
355	277	139250	1 x 3.00 x 3.000	RCC Box	Minor Br.	
356	278	139525	1 x 2.00 x 2.000	RCC Box	Minor Br.	
357	281	140717	3 x 12.20	PSC GIRDER	MAJOR	
358	280	140875	1 x 3.00 x 3.000	RCC Box	Minor Br.	
359	281	141325	1 x 3.00 x 4.000	RCC Box	Minor Br.	
360	282	141600	1 x 3.00 x 3.000	RCC Box	Minor Br.	
361	283	141900	2 x 3.00 x 4.000	RCC Box	Minor Br.	
362	24	141925	142150			Viaduct
363	284	142065	2 x 4.00 x 4.000	RCC Box	Minor Br.	
364	285	142428	2 x 3.00 x 3.000	RCC Box	Minor Br.	
365	286	142900	1 x 3.00 x 2.180	RCC Box	Minor Br.	
366	287	143307	1 x 3.00 x 3.000	RCC Box	Minor Br.	
367	288	143550	1 x 3.00 x 3.000	RCC Box	Minor Br.	
368	289	143675	1 x 3.00 x 3.000	RCC Box	Minor Br.	
369	290	143818	1 x 3.00 x 3.443	RCC Box	Minor Br.	
370	291	144350	1 x 3.00 x 3.000	RCC Box	Minor Br.	
371	292	144600	1 x 3.00 x 3.000	RCC Box	Minor Br.	
372	293	144900	1 x 3.00 x 3.000	RCC Box	Minor Br.	
373	25	144925	145350			Viaduct
374	296	145140	7 x 30.50	PSC GIRDER	MAJOR	
375	295	145508	1 x 4.00 x 3.000	RCC Box	Minor Br.	
376	296	145750	2 x 3.00 x 3.000	RCC Box	Minor Br.	
377	297	146278	1 x 3.00 x 3.000	RCC Box	Minor Br.	
378	298	146394	1 x 10.50 x 5.500	RCC BOX	NH-63 - Marumakkigadde	RUB
379	299	146562	1 x 4.00 x 2.365	RCC Box	Minor Br.	
380	300	146950	1 x 4.00 x 3.000	RCC Box	Minor Br.	
381	301	147100	1 x 4.00 x 3.000	RCC Box	Minor Br.	
382	302	147850	1 x 4.00 x 4.000	RCC Box	Minor Br.	
383	303	148550	1 x 4.00 x 2.265	RCC Box	Minor Br.	
384	304	148653	2 x 4.00 x 2.664	RCC Box	Minor Br.	
385	305	148925	2 x 4.00 x 2.923	RCC Box	Minor Br.	
386	306	149200	149650			Tunnel
387	306	149862	1 x 4.00 x 3.000	RCC Box	Minor Br.	
388	307	149950	1 x 4.00 x 3.000	RCC Box	Minor Br.	
389	26	150100	150275			Viaduct
390	308	150150	1 x 4.00 x 3.000	RCC Box	Minor Br.	
391	309	150650	2 x 3.00 x 3.000	RCC Box	Minor Br.	
392	310	151140	1 x 3.00 x 3.000	RCC Box	Minor Br.	
393	27	151225	151250			Viaduct

S.No.	Br.No.	Chainage	Span	Span Type	Br. Type	Remarks
394	311	151250	2 x 4.00 x 3.000	RCC Box	Minor Br.	
395	312	151550	2 x 3.00 x 3.000	RCC Box	Minor Br.	
396	313	151880	2 x 4.00 x 4.000	RCC Box	Minor Br.	
397	314	152125	2 x 4.00 x 3.000	RCC Box	Minor Br.	
398	315	152525	2 x 4.00 x 4.000	RCC Box	Minor Br.	
399	316	152950	1 x 3.00 x 3.000	RCC Box	Minor Br.	
400	317	153250	2 x 3.00 x 3.000	RCC Box	Minor Br.	
401	318	153375	1 x 3.00 x 3.000	RCC Box	Minor Br.	
402	319	153725	2 x 3.00 x 2.958	RCC Box	Minor Br.	
403	320	154630	157300			Tunnel
404	320	157800	1 x 4.00 x 3.000	RCC Box	Minor Br.	Water Way/Animal Crossing
405	321	157930	2 x 3.00 x 3.000	RCC Box	Minor Br.	
406	322	158028	1 x 3.00 x 4.000	RCC Box	Minor Br.	
407	323	158048	1 x 3.00 x 3.000	RCC Box	Minor Br.	
408	324	158120	2 x 3.00 x 2.448	RCC Box	Minor Br.	
409	325	158354	2 x 4.00 x 3.000	RCC Box	Minor Br.	
410	326	160050	2 x 6.10	RCC Slab	Minor Br.	
411	327	160300	1 x 6.10	RCC Slab	Minor Br.	
412	328	160600	2 x 6.10	RCC Slab	Minor Br.	
413	329	160650	1 x 10.50 x 5.500	RCC BOX	NH-63 - Agasur	RUB
414	330	160850	161150			Tunnel
415	330	161600	2 x 6.10	RCC Slab	Minor Br.	
416	331	161905	1 x 12.20 4 lanes	PSC Gird	Ankola - Gooty (NH-63)	ROB
417	333	162025	1 x 6.10	RCC Slab	Minor Br.	
418	332	162050	1 x 6.10	RCC Slab	Minor Br.	
419	334	162225	1 x 3.05	RCC Slab	Minor Br.	
420	335	162350	1 x 3.05	RCC Slab	Minor Br.	
421	336	162400	1 x 3.05	RCC Slab	Minor Br.	



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

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi 110 003
Date: 26th September 2018

F.No.6-111/2018 WL

To
All Members
Standing Committee of NBWL

Sub: Minutes of 50th Meeting of the Standing Committee of National Board for Wildlife- reg.

Sir / Madam,

Kindly find enclosed copy of the Minutes of 50th Meeting of the Standing Committee of National Board for Wildlife held on 7th September 2018 through Video Conference under the chairmanship of Hon'ble Union Minister of Environment, Forest and Climate Change.

Yours faithfully,

(Dr. Pasupala Ravi)
Scientist C

E-mail: ddwlmef@gmail.com

Encl: As above

Distribution

- (1) Secretary, MoEF&CC
- (2) DGF&SS, MoEF&CC
- (3) Member Secretary, NTCA
- (4) ADGF(FC), MoEF&CC
- (5) ADGF(WL), MoEF&CC
- (6) Director, WII, Dehradun
- (7) Director, GEER Foundation, Gandhinagar, Gujarat
- (8) Prof. R. Sukumar, Member, NBWL
- (9) Dr. H.S. Singh, Member, NBWL
- (10) Pr. Secretary (Dept. of Envi., Forest, Science & Tech.), Govt. of Andhra Pradesh

Copy to

- (1) PS to Hon'ble MoEF&CC
- (2) PPS to DGF&SS, MoEF&CC
- (3) PPS to Addl.DGF(WL), PPS to IGF(WL)

and under no circumstance will resort to peaking operation and resulting flooding until the study “Geospatial Analysis of Impacts of Lower Demwe Hydroelectric Project on the Riverine Ecosystems of Lohit Basin” provided appropriate guidelines to undertake the peaking operation (if any) with minimal impact on the associate biota of river and river-island ecosystem.

- (ii) The state government will permit the project proponent to start the work on the project only after study “Geospatial Analysis of Impacts of Lower Demwe Hydroelectric Project on the Riverine Ecosystems of Lohit Basin” is commissioned by the project proponent at the project cost.
- (iii) An undertaking shall be submitted or a legal binding instrument shall be signed by the project proponent to the effect that they shall abide the findings of study “Geospatial Analysis of Impacts of Lower Demwe Hydroelectric Project on the Riverine Ecosystems of Lohit Basin”, including those regarding the maximum amount of water to be released during peaking operations.
- (iv) An undertaking shall be submitted or a legal binding instrument shall be signed by the project proponent to the effect that they shall not stake claims for starting the peaking operation in the event of delay is submission of recommendations of the study “Geospatial Analysis of Impacts of Lower Demwe Hydroelectric Project on the Riverine Ecosystems of Lohit Basin”.
- (v) Before the start of dam construction work all the mitigation measures required to be taken during pre-construction and construction period shall be finalized by the project proponent in consultation with State Chief Wildlife Warden and Wildlife Institute of India and for taking up mitigation measures during post dam construction period an undertaking shall be submitted or a legal binding instrument shall be signed by the project proponent to the effect they will implement all mitigation measures recommended by the current study and by the study “Geospatial Analysis of Impacts of Lower Demwe Hydroelectric Project on the Riverine Ecosystems of Lohit Basin”
- (vi) The six monthly compliance report on the stipulated conditions should be submitted by the User Agency to the State Chief Wildlife Warden and an annual compliance certificate shall be submitted by the CWLW.

48.5.4 Diversion of 595.64 ha of forestland in Karwar, Yellapura and Dharwad Division for the construction of New Broad Gauge Railway line of Hubballi - Ankola

The IGF(WL) briefed the Standing Committee on the proposal and stated that the project involves the diversion of cumulative forestland 595.64 ha (42.0 ha from Dharwad Elephant Corridor +

304.06 ha from Yellapura Elephant Corridor + 249.58 ha from Kanwar elephant Corridor) from three elephant corridors for the construction of new broad gauge railway line from Hubballi to Ankola. He added that the State CWLW has recommended the proposal with the condition that the mitigation measures suggested by the IISc Bangalore must be strictly implemented. He also stated that it was mentioned in the Part IV of the proposal that the *post facto* approval of the project will be taken in the forthcoming meeting of the SBWL.

Further the IGF(WL) stated that the Site Inspection Committee of NTCA has not recommended the proposal as the proposed railway line from Hubballi to Ankola passes through Uttara Kannada district which has very forest cover and cuts across the Western Ghats, which are a biodiversity hotspot and a world heritage site. It also fragments the old migration path of India elephants. Out of the 6 tiger occupied landscapes of India, currently the Western Ghats landscape possesses best habitat connectivity and contiguity. The Tiger occupancy in the Western Ghats landscape is highly dynamic and shows spatial and temporal variation. Moreover, the recent research has highlighted that future of tigers in India depends on conserving the habitat connectivity isolated tiger population of tiger reserves. The proposed railway line will be having significant negative impact on long term conservation of tigers and other mega herbivores in the Western Ghats landscape by fragmenting existing habitat connectivity and contiguity. In the 48th meeting held on 27th March 2017 the Standing Committee decided that a committee comprising of one representative of WII, one representative of NTCA and one person from the Wildlife Division would visit the site and submit the report to the Ministry within thirty days.

The DIGF(NTCA) stated that the Site Inspection Committee has not recommended the project on the grounds that the proposed railway line from Hubballi to Ankola passes through very forest cover and cuts across the Western Ghats, which are a biodiversity hotspot and a world heritage site. He also stated that the proposed line fragments the old migration path of India elephants, and is one of the six tiger occupied landscapes of India and currently the Western Ghats landscape possesses best habitat connectivity and contiguity. The DIGF (NTCA) also pointed out that State Board for Wildlife not yet furnished their recommendations.

Dr H S Singh, Member stated that more often the state governments are sending the proposals for consideration of the standing committee of NBWL without the recommendations of the SBWL. He suggested that this tendency needs to be curbed.

After discussions the Standing Committee decided to refer back the proposal to the State Government along with the reports of the NTCA and Site Inspection Committee with advise to get the

issue examined by the SBWL and submit the recommendations of the SBWL. And also to inform the Ministry of Railways to pursue the matter with the State Board for Wildlife.

The Standing Committee also recommended that the MoEF&CC shall send an advisory to the state governments that they should not submit any proposal for consideration of the Standing Committee of National Board for Wildlife without the recommendations of the SBWL. The proposals received by the MoEF&CC without recommendations of the SBWL will not be taken up by the Standing Committee of National Board for Wildlife and shall be treated as pending at the state level.

42.4.1.15 Diversion of 96.65 ha (Reduced from 131.67 ha) in Muthinakoppa Minor Forest & Aramballi State Forest in Koppa Division for construction of a irrigation canal under the Bhadra Upper Project Package I, Karnataka Neeravari Nigam Limited, Division 1, Gajanur Shivamogga, Karnataka

&

Diversion of 110.10 ha of forest land (reduced from 186.42 ha) in Bhadravathi Division for the construction of a lift irrigation canal under the Upper Bhadra Project Package II, (lifting of water from Bhadra Tiger Reserve at Ajjampura delivery Chamber) B R Project, Bhadravathi, Karnataka

The IGF(WL) briefed the Committee and stated that the proposals were recommended by the Standing Committee in its 43rd meeting held on 27th June 2017 with one of the conditions of constructing closed conduit of 1.91 km passing within the boundaries of Bhadra Tiger Reserve imposed by the State CWLW and Site Inspection Committee. He also stated that the representation dated 11th June 2018 was received from the State Government that the construction of underground close conduit from Pump House to Bhadra Reservoir is technically impossible and requested to permit the construction of technically feasible 0.5 km of close conduit and 1.41 km of open canal.

Further IGF(WL) stated that the matter was referred to the NTCA by this Ministry's letter dated 18th July 2018. The NTCA furnished the reply to this Ministry's letter therein it was stated that the office of NTCA stands by the recommendations of the Site Inspection Committee only.

The State Chief Wildlife Warden and project proponent stated that the construction of close conduit of 1.91 km is not possible technically due to the non-availability of land slope and the presence of hard rocks. He also stated that the project proponent agreed to construct seven overpasses per every 200 m in the stretch of 1.41 km for the passage of wildlife.

After discussions the Standing Committee decided to recommend the project with the conditions that

ANNEXURE I

LIST OF PARTICIPANTS

1	Dr Harsh Vardhan, Hon'ble Minister of Envi. Forest & Climate Change	Chairman
2	Shri C K Mishra, Secretary, MoEF&CC	Member
3	Shri M S Negi, ADGF(WL), MoEF&CC	Member Secretary
4	Dr H S Singh, Member, NBWL	Member
5	Shri R D Kamboj, Member, NBWL	Member
6	Dr V B Mathur, Director, WII Dehradun	Member
7	Shri A K Misra, PCCF(WL) & CWLW, Maharashtra	Invitee
8	Shri S B Bhalavi, DFO, Maharashtra	Invitee
9	Shri D Nalini Mohan, CWLW, Andhra Pradesh	Invitee
10	Shri G N Sinha, CWLW, Arunachal Pradesh	Invitee
11	Shri P Ringu, DCF(WL), Arunachal Pradesh	Invitee
12	Shri Koj Tasser, DFO, Arunachal Pradesh	Invitee
13	Shri Sanjay Kumar, CWLW, Jharkhand	Invitee
14	Shri Om Prakash, DFO, Jharkhand	Invitee
15	Shri D Bankhwal, CWLW, Assam	Invitee
16	Shri Dibyadhar Gogoi, CF, Assam	Invitee
17	Shri Ishwar Singh, CWLW, Delhi	Invitee
18	Shri Subhash, Melkede, CWLW, Karnataka	Invitee
19	Shri Lingappa, DCF, Karnataka	Invitee
20	Shri Bala Prasad, CWLW, Manipur	Invitee
21	Shri Shyam Singh, DFO, Manipur	Invitee
22	Dr Krishna Kumar, CWLW, Tamil Nadu	Invitee
23	Smt Renuka Kumar, Principal Secretary, Uttar Pradesh	Invitee
24	Shri S.K. Upadhyaye, CWLW, Uttar Pradesh	Invitee
25	Shri S P Yadav, APCCF, Uttar Pradesh	Invitee
26	Shri G V Reddy, CWLW, Rajasthan	Invitee
27	Shri S K Jain, APCCF, Rajasthan	Invitee
28	Shri M K Tewari, DCF, Rajasthan	Invitee
29	Dr D Dhananjay, CWLW, Uttarakhand	Invitee
30	Shri Shravan Kumar, DFO, Uttarakhand	Invitee
31	MS Nitu Lakshmi, DFO, Uttarakhand	Invitee
32	Shri Soumitra Dasgupta, IGF(WL), MoEF&CC	Invitee
33	Shri Nishant Verma, DIGF(NTCA)	Invitee
34	P Ravi, Scientist, MoEF&CC	Invitee
35	Srhi Ravi Kumar, Legal Assistant, MoEF&CC	Invitee

Proceedings of the 11th State Board for Wildlife Meeting held under the Chairmanship of the Hon'ble Chief Minister on 09-01-2019.

Venue: Hon'ble Chief Ministers Home Office "Krishna"

Time: 4.00 pm.

Present:

Sriyuths:

1. H.D. Kumaraswamy, Hon'ble Chief Minister, Government of Karnataka, Bengaluru
2. Satish Jarkiholi, Hon'ble Minister for Forest, Environment & Ecology, GOK, Bengaluru
3. Dr.Sandeep Dave, IAS, Addl.Chief Secretary to Govt, GOK, Bengaluru
4. Punati Sridhar, IFS, Principal Chief Conservator of Forests (HoFF), Bengaluru.
5. Jayaram. C, Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden), Bengaluru.
6. Malleshappa, President, Swamy Vivekananda Seva Trust (Reg), Chamarajangr District-571441
7. Neeraj Nirmal, Principal Secretary, Nisarga Apeksha Society, Swathi, Main Road, Ullala, Dakshina Kannada, Karnataka.
8. Dr A.J.T Johnsingh, Nature Conservation Foundation, Mysuru.
9. Ajay A Desai, B.C.84 Camp, Belgaum
10. Sanjai Gubbi, 2208/B, Sadana Road, K.R.Extension, Tumkur-572101
11. Dr.N.C.Shivaprakash, Prof. Department of Paediatrics, Adichunchanagiri Institute of Medical Science, Mysuru.
12. A.Ramachandra Shetty, Coffee Planter, Satyajitnagar, aKaribattlu, 7th Cross, Khadri Post, Mangaluru.
13. Dr. Santhrupth, MD, Nazarabad Medical Services (Pvt) Ltd, Mysuru.
14. Dr. Madegowda.C, Banglapodu, B.R.Hills, Yalanduru Taluk, Chamarajnagar - 571 441.
15. K.Shyamraj, 150-B, 10th Main Road, RMV Extension, Sadashivanagar, Bengaluru.
16. Dr.Ravindranath, IPS, ADGP, Forest Cell, Bengaluru

17.Kumar Pushkar, MD, Karnataka State Tourism Development Corporation, Bengaluru.

Leave of absence

1. Sri. Rana George, M/s. Kelachandra Group of Services (Pvt.) Ltd., No. 16, Sent Marks Road, Bengaluru.

The Chief Wildlife Warden welcomed the Hon'ble Chief Minister and Chairman, Hon'ble Minister for Forest, Environment & Ecology and Vice Chairman and all the Board members and officers to the meeting with New Year greetings.

Requisite quorum being present, the meeting was called to order by the Chair. The meeting started with self introduction by the members of the Board.

The Agenda circulated amongst the members formed the basis for discussion. The Chief Wildlife Warden made a Power Point Presentation on all the 15 subjects which were circulated as agenda.

Agenda-1: The Proceedings of the 10th State Board for Wildlife meeting held on 20-02-2017 circulated amongst the members was approved by the Board as no comments / suggestions were received on the proceedings.

Agenda-2: The Board was informed about the actions taken on the decisions of the previous board meetings for information and suggestions if any.

Sl. No.	Agenda No. & the Date	Decision	Compliance
1.	3 & 4 31-08-2016	Diversion of 96.95 Ha. and 110.10 Ha. of forest land for utilizing the land for the formation of Upper Bhadra Canals under Package-1 and Package-2.	The user agency was permitted to undertake the work after obtaining the requisite permission under the Forest Conservation Act 1980 and concurrence from NTCA.

Sl. No.	Agenda No. & the Date	Decision	Compliance
			The user agency has submitted the mitigation measures suggested by the NTCA and the CWLW. The mitigation plan submitted by the user agency is approved. Phase-1 approval is sanctioned for the project.
2.	5 31-08-2016	Diversion of 1.17 Ha. of forest land for establishing double track between Castle Rock and Thinnai Ghat.	No formal proposals are submitted by the user agency. On receipt of the proposals needful action will be initiated.
3	6 31-08-2016	Diversion of 2.0135 Ha. of land in Ranabennur Wildlife Sanctuary for the construction of Upper Thunga Canal System.	The user agency obtained the requisite permissions and submitted the mitigation plans as suggested.
4	7 31-08-2016	Diversion of 0.69 Ha. of forest land in Shettihalli Wildlife Sanctuary for installing 11 kv underground cable.	Standing Committee for National Board for Wildlife has approved the proposal in its 43 rd meeting and the user agency to execute the work with required mitigation measures.
5	8 31-08-2016	Proper demarcation and re-notifying the boundaries of Shettihalli Wildlife Sanctuary.	The subject matter was discussed in 50 th meeting of the Standing Committee for National Board for Wildlife and directed the State to constitute a committee to demarcate the proper boundaries of the sanctuary and to submit the draft notification to MoEF & CC. The Govt. of Karnataka has constituted a Committee vide G.O.No.FEE 217 FWL 2016, Dated:29-12-2018.

Sl. No.	Agenda No. & the Date	Decision	Compliance
6	9 31-08-2016	A proposal for Establishing 1 x 10 MBA, 110/11Kv sub-station and transmission line at Konandur village of Thirthally Taluk.	The user agency has informed they are not proceeding with the project proposals, hence dropped.
7	10 31-08-2016	Diversion of 0.645 Ha. a forest land for drawing underground optic fiber cable along SH-33 between Bavali & Udbur check post.	Complied.
8	11 31-08-2016	A proposal by M/s. BSNL for permission to lay broad band optic fiber cable along the road from Thalabetta to Ponnachi.	The user agency is adviced to file the application online. The user agency is yet to submit the proposal.
9	12 31-08-2016	A proposal to MoEF & CC requesting time extension for issuing trophy licenses for the applications pending before CWLW, Karnataka.	With the permission of the State Board for Wildlife, proposals were submitted to MoEF & CC with a request to extent the time limit for giving trophy licenses to the applications pending before the CWLW, Karnaktaka. The board was informed that MoEF & CC has not responded to the proposals and a decision has to be taken on the pending applications before the CWLW. The board after discussing the issue directed that applicants should be informed to surrender all the trophies to the nearest forest offices.
10	16 31-08-2016	Providing solar electricity to the hadis / hamlets inside the Protected Areas under the provisions of FC Act-1980.	Approved in 49 th Standing Committee for National Board for Wildlife. User Agency to provide the facilities.

Sl. No.	Agenda No. & the Date	Decision	Compliance
11	17 31-08-2016	Declaring Ankasamudra Lake of Hagaribommanahalli Taluk Bellary district as Conservation Reserve.	Declared as Conservation Reserve under 36-A of the Wildlife (Protection) Act-1972.
12	18 31-08-2016	Establishing a foundation called Kodagu Foundation for mitigating man-animal conflict.	Complied.
13	19 31-08-2016	Declaring Southern Bird Wing Butterfly as State Butterfly	Complied.
14	20 31-08-2016	Laying optical fiber cables and drinking water pipelines along the roads within the RoW passing through the Protected Areas.	Govt. of India issued guidelines empowering the State Board for Wildlife to give permissions for laying optical fibre cables and drinking water pipelines upto 4" diameter as per the orders of MOEE No.F.No.6-175/2017 WL, dated:19-02-2018
15	24 31-08-2016	Declaring Nandini riverfront and islands of Nethravathi as Conservation Reserves.	The detailed proposals declaring Nandini riverfront and islands of Nethravathi by the former member of the Board Sri. Surya Adoor was deliberated and the Board has agreed to notify the river islands as suggested in the proposals as Conservation Reserve. The details of the islands including the survey numbers and boundary descriptions will be obtained from DCF, Mangalore and submitted to Govt. for issuing notification declaring the river front of Nandini River and the islands of Nethravathi as Conservation Reserves under 36-A of the Wildlife (Protection) Act-1972.

Sl. No.	Agenda No. & the Date	Decision	Compliance
16	25 31-08-2016	Further liberalizing the 50:50 subsidized solar fencing facilities to the farmers owning lands within 5 kms. from the boundary of the Reserve Forests / Protected Areas.	A detailed proposal to be submitted to Government for taking appropriate decision.
17	26 31-08-2016	Declaring Govt. lands Ummathur village of Chamarajnagar as Conservation Reserve.	Complied
18	2 20-02-2017	Restoring Kappathagudda Reserve Forests as Conservation Reserve.	<p>The Board was informed about re-notifying 178.66 Sq.kms. of Kappathagudda Reserve Forests as "Kappathagudda Conservation Reserve" as per Section 36-A of Wildlife (Protection) Act – 1972. The Board further deliberated on the issue and many of the members expressed that the Status of the land at Kappathagudda being a reserve forest is not appropriate to constitute the Reserve Forests as a Conservation Reserve. The Board during the 3rd meeting held on 11-08-2010 had proposed for declaring the entire 300 sq.kms. of Kappathagudda Reserve Forests as Kappathagudda Wildlife Sanctuary.</p> <p>Kappathagudda Reserve Forests is unique as the vegetation in the area has many medicinal plants and it is worth preserveing the same</p>

Sl. No.	Agenda No. & the Date	Decision	Compliance
			for eternity. All the members unanimously suggested to declare the entire 300 sq. kms. of Kappathagudda Reserve Forest as Kappathagudda Wildlife Sanctuary. The board resolved in favour of proposal to declare entire 300 Sq.Kms area of Kappathagudda RF as Wildlife Sanctuary. Detailed proposals with draft notification has to be submitted to the Govt. for declaring the forests of Kappathagudda as Wildlife Sanctuary, under Section 26-A of Wildlife (Protection) Act-1972.
19	3 20-02-2017	Declaring the forests of Kamasamudra as Wildlife Sanctuary.	Revised proposals placed under Agenda-11 of the 11 th Board Meeting (current Board meeting)

Agenda-3: Declaring Bukkapattana Reserve Forests and the adjoining Reserve Forests of Tumkur district as "Bukkappattana Chinkara Wildlife Sanctuary".

The Detailed proposal received from the CCF, Hassan Circle along with the recommendations of the elected representatives and the jurisdictional Grama Panchayat resolutions were deliberated before the Board. The Board unanimously agreed to declare the entire 40,000 acres (200.17 sq.kms.) as Bukkapattana Chinkara Wildlife Sanctuary. The Board directed the Chief Wildlife Warden to submit the draft notification along with the boundary description for declaring Bukkapattana Reserve Forests and adjoining Reserve

Forests to an extent of 40,000 acres as "Bukkapattana Chinkara Wildlife Sanctuary", under Section 26-A of Wildlife (Protection) Act-1972.

Agenda-4: According permission for utilizing 595.64 Ha. of forests lands in Karwar, Yellapur and Dharwad divisions for establishing Hubli-Ankola Railway Line.

The Subject was discussed in detail. The Board decided to defer the subject as the facts before the Board were insufficient to take a decision on the subject.

Agenda-5: Declaring Cauvery and Malaimahadeshwara Wildlife Sanctuaries as Tiger Reserve.

A proposal to declare 1027.53 Sq.kms. of Cauvery Wildlife Sanctuary and 906.19 Sq.kms. Malai Mahadeshwara Wildlife Sanctuary as the 6th Tiger Reserve of the State was placed before the Board. BRT Tiger Reserve of Karnataka and Sathyamangalam Tiger Reserve of Tamil Nadu are adjoining to Malai Mahadeshwara Wildlife Sanctuary whereas Cauvery Wildlife Sanctuary integrates with the Malai Mahadeshwara Sanctuary to form a potential habitat for the young tigers emerging out from BRT and Sathyamangalam Tiger Reserves. Based upon this background the National Tiger Conservation Authority advised the Chief Wildlife Warden of Karnataka for submitting proposals for declaring both the sanctuaries as Tiger Reserve.

After detailed deliberations, many of the members gave their opinion regarding declaring both the sanctuaries as the 6th Tiger Reserve of the State. Based upon such views the Board agreed to declare the Malai Mahadeshwara Sanctuary to an extent of 906.19 sq.kms. as a Tiger Reserve. Regarding the Cauvery Wildlife Sanctuary it was decided initially the Malaimahadeshwara Wildlife Sanctuary can be declared as a Tiger Reserve and subsequently, the Cauvery

Wildlife Sanctuary can be taken up. The Board directed the Chief Wildlife Warden to submit the draft proposals for declaring 906.19 sq.kms. of Malai Mahadeshwara Sanctuary as Tiger Reserve, under Section 38-V of the Wildlife (Protection) Act-1972.

Agenda-6: Extension of Gudekote Bear Sanctuary by adding adjoining Reserve Forests.

The proposal of adding 10,321.49 Ha. of forest areas to the existing Gudekote Bear Sanctuary was discussed. The Board agreed to extend the existing Bear Sanctuary area of 4,761.17 ha. to 15,082.66 Ha. by adding 10,321.49 Ha. of the notified forest area. The Board directed the Chief Wildlife Warden to submit the draft notification for extending the Gudekote Sloth Bear Sanctuary.

Agenda-7: Permission to utilize 647 mtrs. length of RoW to lay electric cable along the road passing through Kudremukh National Park.

As the Board could not meet due to certain circumstances, approval was taken on file from the Chairman and Vice Chairman subject to ratification of the Board for laying 647 mtrs. length of cable along the road connecting Sulkerimogru to Panjala & Malige Suthugattige villages of Belthangadi taluk passing through the Kudremukh National Park. The Board ratified the action taken in recommending the proposal to the Standing Committee for National Board for Wildlife.

Agenda-8: Adding 15.71 Sq.kms. of Muneshwara Reserve Forests to Cauvery Wildlife Sanctuary.

A proposal to add 15.71 Sq.kms. of Muneshwara Reserve Forests to Cauvery Wildlife Sanctuary placed before the Board was unanimously agreed. Shri Sanjay Gubbi, Member of the Board suggested to add another area of the Satyagala Jagir as extension to

Cauvery Wildlife Sanctuary. The Chairman sought the opinion of other members, which was in affirmative. The Board agreed to the proposal of adding some area of the Satyagala Jagir to the Cauvery Wildlife Sanctuary. The Board has directed the Chief Wildlife Warden to submit the draft notification to the Government for adding 15.71 Sq.kms. of Muneshwara Reserve Forests to Cauvery Wildlife Sanctuary and 3766.00 Ha. of the Satyagala Jagir and to issue necessary notification.

Agenda-9: Issue of NOC to execute 5th and 6th Atomic Power Plants at Kaiga.

National Power Corporation Ltd., Kaiga have submitted a proposal seeking NOC for establishing 5th and 6th Unit in the area already leased to NPCL by the Karnataka Forest Department. Pending ratification of the Board, the Chairman and Vice Chairman of the State Board had approved the proposal to be placed before the Standing Committee for National Board for Wildlife. M/s. NPCL have also requested for utilizing a stone quarry present inside their leased land for the construction of civil structures to establish 5th and 6th Unit of Atomic Power Plants. The Board after deliberation agreed and ratified the decision of recommending and placing the proposal before the Standing Committee for National Board for Wildlife.

Agenda-10: Declaring about 14,000 acres of Mullaiahanagiri montane forests (other Govt. lands) adjoining Bhadra Tiger Reserve as Mullaiahanagiri Conservation Reserve.

Rolling hill ranges of Karnataka situated in Chikmagalur district is popularly known as Mullaiahanagiri hill range which is on unique ecosystem. The hill ranges have vast grassy vegetation with stunted thick groves of trees called "shoals" in the valleys representing montane type of forests of South India. These ranges are the places of origin of

rivers and rivulets in South India. The public representatives including the jurisdictional Gram Panchayats have passed resolutions to declare the entire 14,000 acres of Mullaiahanagiri Mountains as Conservation Reserve. The issue was deliberated and the Board has unanimously agreed to declare these ranges as the Mullaiahanagiri Conservation Reserve. Further the Board has directed the Chief Wildlife Warden to submit a draft notification under Section 36-A of Wildlife (Protection) Act – 1972 to the Government for declaring it as Conservation Reserve.

Agenda-11: Declaring Kamasamudra and adjoining Reserve Forests of Bangarpet and Malur Taluks of Kolar as Kamasamudra Wildlife Sanctuary.

The Subject of declaring the Reserve Forests around Kamasamudra as Wildlife Sanctuary was deliberated in the 9th and 10th meeting of the Board. The members had insisted that the opinion of the public representatives and the Gram Sabhas may be obtained and placed before the Board. Accordingly the public representatives of Bangarpet and also the resolutions of the jurisdictional of Grama Sabhas were obtained and placed before the Board. The Board after the deliberation decided to constitute 7,862.82 Ha. of Reserve Forests around Kamasamudra situated in Bangarpet and Malur Taluk of Kolar as "Kamasamudra Wildlife Sanctuary". The Board directed the Chief Wildlife Warden to submit a draft notification under 26(A) of the Wildlife (Protection) Act – 1972 to Government for issuing notification declaring Kamasamudra Wildlife Sanctuary.

Agenda-12: Declaring 92 acres of Stone Quarry at Hanumanahalli in Mulubagilu Taluk of Kolar District as Kolar Leaf Nosed Bat Reserve.

The Chief Wildlife Warden proposed that on unique species of Bat called "Kolar Leaf Nosed Bat (*Hipposideros hpophyllus*)" endemic to the stone quarry at Hanumanahalli deserves to be protected. If the species

is not protected it is feared that the species might become extinct. The Board after discussion decided to declare 92 acres of stone quarry of Hanumanahalli in Mulubagilu taluk as "Kolar Leaf Nosed Bat Conservation Reserve". The Board directed the Chief Wildlife Warden to submit a draft notification under Section 36-A of Wildlife (Protection) Act – 1972 to the Government to declare the Conservation Reserve.

Agenda-13: Construction of a bridge across the back waters of Sharavathi reservoir for connecting Sigandur Chavdeshwari Temple from the main land by the National Highway Authority.

Executive Engineer, National Highway Authority has submitted a proposal for the construction of a bridge across the back waters of Sharavathi Reservoir for the pilgrims to visit Chavdeshwari Temple at Sigandur. Presently the pilgrims are commuting through motorized launch and boats. The area in question is non-forest land falling within Sharavathi Valley Wildlife Sanctuary. Construction of the bridge will facilitate the pilgrims visiting the Chavdeshwari Temple. Public representatives are keen on developing a bridge across the back waters to provide safety to the pilgrims. The proposal was submitted to the Standing Committee for National Board for Wildlife after obtaining the approval from the Chairman and Vice Chairman of the State Board for Wildlife. The subject was discussed in the Board and the Board approved and ratified the action taken in submitting the proposal before the National Board for Wildlife.

Agenda 14: Expansion of Sharavathi Valley Wildlife Sanctuary and renaming it as "Sharavathi Valley Lion Tailed Macaque sanctuary".

This Sanctuary declared during 1974 extends over an area of 431 square kilometers and is located in the central Western Ghats, a part of the global bio diversity hot spot. The landscape is covered by

tropical evergreen forests interspersed with savanna grasslands. These forests are extremely rich in arboreal fauna and avifauna, due to their canopy contiguity and availability of a variety of seasonal fruit-bearing trees. The most conspicuous of the arboreal mammal present in the landscape is the lion-tailed macaque, LTM (*Macaca silenus*).

Lion-tailed macaques are confined to the evergreen forests of the Western Ghats. The northernmost population of Lion-tailed Macaques is known from the forests of Sirsi and Honnavara division in Uttara Kannada district of Karnataka. The entire landscape is very crucial for the long term conservation of the endangered lion-tailed macaque and the Great Indian Hornbill apart from many other endangered flora and fauna. The adjoining forest areas need to be up-graded from the Reserve forests status, and be notified as a part of the Sharavathi Valley Wildlife Sanctuary.

The proposal for adding the entire Aghanashini LTM area of about 299.52 sq. kms. State Forest Blocks of Gerusoppa, Manki & Joga 152.41 sq.kms., a part of Channagonda State Forest area of about 15.40 sq.kms., Ambargudda Bio-diversity Heritage site area of 15.43 kms. and 17.53 square kilometers of forests of Bhatkal range totaling to 500.29 sq. kms. around the existing Sharavathi Valley Wildlife Sanctuary was agreed by the Board. The Board decided to expand the Sharavathi Valley Wildlife Sanctuary to 931.29 square kilometers and to rename the Sanctuary as "Sharavathi Valley Lion Tailed Macaque Sanctuary". The Board directed the Chief Wildlife Warden to submit draft notification under section 26 (A) of Wildlife (Protection) Act 1972 to the Government for issuing notification.

Agenda 15: Solar Electrification of 13 Hadies in Nagarhole Tiger Reserve.

The Chairman and Vice Chairman had approved the proposal for providing solar power to the 13 Hadies of Nagarhole Tiger Reserve and submitted the same to the Government of India for placing it before the Standing Committee of the National Board for Wildlife. The National Board for Wildlife has approved the proposal in its 49th meeting. The Board was requested to ratify the action taken in sending the proposal to the National Board for Wildlife. The Board agreed and ratified the action.

The 11th State Board for Wildlife meeting concluded with a vote of thanks to the Chair and all the members of the Board.



H D Kumaraswamy
Chairman, State Board for Wildlife and
Chief Minister, Government Karnataka.

Principal Chief Conservator of Forests
(Wildlife) & Chief Wildlife Warden,
Karnataka



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Dated: 05-12-2019

No.KFD/WL/Land(SBW)/1/2019

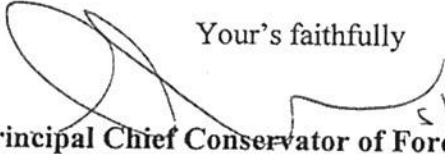
To,
The Addl. Chief Secretary to Government,
Forest, Ecology & Environment Department,
M.S.Building,
Bengaluru.

Sir,

Sub: Proceeding of the 12th Meeting of State Board for Wildlife held on
26-9-2019 – reg.

Please find enclosed herewith a copy of the Proceedings of the 12th meeting of State Board for Wildlife (SBWL) held under the Chairmanship of Hon'ble Chief Minister, Government of Karnataka on 26-09-2019 at 11.00 A.M at "Krishna" Home office of the Hon'ble Chief Minister of Karnataka for information and perusal.

Your's faithfully


Principal Chief Conservator of Forests (Wildlife)
& Chief Wildlife Warden & Member Secretary,
State Board for Wildlife, Bengaluru.

Communicated to:

1. The Officer on Special Duty to Hon'ble Chief Minister of Karnataka & Ex-officio Secretary to Government with a request to bring the above matter to the notice of the Hon'ble Chief Minister.
2. The P.S to the Hon'ble Minister for Forest, Ecology & Environment, Govt., of Karnataka, Bengaluru with a request to bring the above matter to the notice of the Hon'ble Minister.
3. Smt.Soumya Reddy, MLA Jayanagara Constituency, No.445/7, 15th Cross, Lakkasandra, Bengaluru.
4. Sri.Appajigowda, MLC, No.162/49, Naidile, 6th Cross, Bapuji Layout, Chandra Layout, Vijayanagara, Bengaluru.
5. Sri.M.Ashwin Kumar, MLA, T.Narsipura, No.8, Farm House, Tumbala village, Kasaba Hobli, T.Narsipura Taluk, Mysuru District.
6. Sri.G.Mallesappa, President, Swamy Vivekananda Seva Trust (R), Chamarajnar District – 571 441.
7. Sri.Neeraj Nirmal, General Secretary, Nisarga Aapeksha Society, "Swathi", Main Road, Ullal, South Kanara.
8. Sri.A.G.T, Johnsingh, Nature Conservation Foundation, Mysore.
9. Sri.Ajay A.Desai, B.C.84 Camp, Belgaum.
10. Sri.Sanjay Gubbi, 2208/B, Sadhana Road, K.R.Extension, Tumkur – 572 101.

11. Dr.N.C.Shivaprakash, Professor, Department of Paediatrics, Adhichunchangiri Institute of Medical Science, No.2822, 8th Cross, 6th Main Road, V.V.Mohalla, Mysore - 570 002.
12. Sri.B.M.Kadaiah, No.490, 1st Cross, 1st Main, A.G.S Layout, Uttarahalli, Bengaluru.
13. Sri.Ramachandra Shetty, Coffee Planter, Satyajit nagar, Karibattlu, 7th cross, Kadri post. Mangalore.
14. Sri.P.M.Subru, S/o of Late Mara, Jungle Hadi, Thithimathi Post, Virajpet Taluk, Kodagu.
15. Sri.Rana George, M/s.Kelachandra Group of Companies, No.16, St.Marks Road, Bengaluru.
16. Sri.Santrupt, M.D.Nazarabad Medical Service Pvt Ltd, Mysore.
17. Dr.Madegowda.C, Bangale Podu, B.R Hills, Yelandur Taluk, Chamarajnagar-571441.
18. K.Shayamraju, 150-B, 10th Main road, RMV Extension, Sadashivnagar, Bangalore-560080.
19. The Addl. Chief Secretary to Government, Forest, Ecology & Environment Department, M.S.Building, Bengaluru.
20. The Principal Chief Conservator of Forests (Head of Forest Force), Aranya Bhavan, Bengaluru.
21. The Principal Secretary to Government, Social Welfare Department, Bengaluru.
22. The Managing Director, Jungle Lodges and Resorts, Khanija Bhavan, Race Course Road, Bengaluru.
23. The Inspector General of Police, Forest Cell, Bengaluru.
24. The Commander, VSM, Naval Station Commander, Bangalore (A representative of the Armed Forces not below the rank of Brigadier as nominated by the Central Government).
25. The Director, Animal Husbandry and Veterinary Services, Bengaluru.
26. The Director, Department of Fisheries, Bengaluru.
27. The Director, Wildlife Preservation, New Delhi.
28. The Director, Wildlife Institute of India, Deharadun.
29. The Director, Zoological Survey of India, Kolkata.
30. The Director, Botanical Survey of India, Kolkata.

Proceedings of the 12th State Board for Wildlife held at Home Office "Krishna" under the Chairmanship of Hon'ble Chief Minister at 11.00 AM on 26.09.2019

Present:

Sriyuths,

1	B.S. Yediyurappa, Hon'ble Chief Minister, Government of Karnataka, Bengaluru.	Chairman
2	Dr.Sandeep Dave IAS, Addl.Chief Secretary to Govt, Forest, Ecology and Environment Department,GOK, Bengaluru.	Member
3	Punati Sridhar IFS, Principal Chief Conservator of Forests (HoFF), Bengaluru.	Member
4	Dr.Ravindranath IPS, ADGP, Forest Cell, Bengaluru	Member
5	Kumar Pushkar, Managing Director, Karnataka State Tourism Development Corporation Limited, Bangalore.	Member
6	A Ramachandra Shetty, Coffee Planter, Satyajit Nagar, Karibattalu, 7th Cross, Kadri Post, Mangalore.	Member
7	Dr. N.C. Shivaprakash, Professor, Adichunchanagiri Institute of Medical Science, Mysore.	Member
8	Mallesappa, President, Swami Vivekananda Seva Trust (R), Chamarajanagar	Member
9	K. Shyamraju, Sadashiv nagar, Bangaluru	Member
10	Ajay A Desai, B.C.84 Camp, Belgaum	Member
11	P M Subru S/o Mara, Nokya Village, Tithimati Post, Virajpet	Member
12	Dr. Madhagowda C, Banglopodu, BR Hills, Yelandur Taluk, Chamarajanagar.	Member

13	Neeraj Nirmal KN, General Secretaries, Nature Apeksha Society, "Swati" Main Road, Ullal, Dakshina Kannada.	Member
14	Ramakrishna, Director, Fisheries Department, Bangalore	Member
15	Sanjai Gubbi, 2208/B, Sadana Road, K.R.Extension, Tumkur-572101	Member
16	Sanjai Mohan IFS, Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Bengaluru	Member Secretary

Leave of absence:

Shri Rana George, M/s. Kelachandra Group of Services (Pvt.) Ltd., No. 16, Sent Marks Road, Bengaluru.

The Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden welcomed the Chairman of the Board and all the members and requested the Hon'ble Chief Minister to chair the meeting. The Hon'ble Chief Minister at the outset fully supported the need for protection and conservation of forests and wildlife. The Hon'ble Chief Minister expressed his happiness at creation of various Protected Areas in the State and informed the Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden to proceed as per agenda.

Agenda-1:

The Chief Wildlife Warden requested to approve the Proceedings of the 11th State Board for Wildlife meeting held on 09-01-2019 which was circulated amongst the members as no comments / suggestions were received on the proceedings.

Agenda-2:

The Chief Wildlife Warden brought to the notice of the Board about action taken on the decisions of the previous board meetings which were approved by Board in the respective meetings as noted hereunder:

Sl. No.	Agenda No. and date	Subject	Action Taken
1.	<u>Agenda-3&4</u> 31-08-2016 (9 th meeting)	Diversion of 96.95 Ha. and 110.10 Ha. of forest land for non-forestry activities in favour of Upper Bhadra Project under Package-1 and Package-2.	The matter was discussed on 07.09.2018 in NBWL meeting. Direction was given to Chief Wildlife Warden for preparing a wildlife Mitigation plan in consultation with National Tiger Conservation Authority and Wildlife Institute of India. The user agency has to submit a Wildlife Mitigation Plan duly incorporating the measures suggested.
2	<u>Agenda-5</u> 31-08-2016 (9 th meeting)	Diversion of 1.17 Ha. of forest land for the construction of new Broad-Gauge Double line between Thinaighat to Castlerock by South Western Railway, Hubballi.	Wildlife Mitigation Plan is awaited.
3	<u>Agenda-8</u> 31-08-2016 (9 th meeting)	Re-notifying the boundaries of Shettihalli Wildlife Sanctuary without reduction in the area & extent.	As per the directions of the 50th Standing Committee of National Board for Wildlife, the Government of Karnataka vide Order No: FEE 217 FWL 2016 Dated: 29.12.2018 has constituted a Committee to give justification for the alteration of boundaries for addition or deletion of the area. Soon after the receipt of the report of the Committee, necessary action will be taken.

4	Agenda-24 31-08-2016 (9 th meeting)	The detailed proposal of Sri. Surya Adoor, the then member of the Board to declare islands of Nethravathi as Conservation Reserve was deliberated and the Board has agreed to notify the river islands as suggested in the proposals as Conservation Reserve.	The draft Notification is under preparation for declaring Japinamugru Village Survey No. 94, 55 and 59 with a total area of 19.87 Sq.km as a Netravathi Island Conservation Reserve.
5	Agenda-2 20-02-2017 (10 th meeting)	Restoring Kappathagudda Reserve Forests as Conservation Reserve.	"Kappathagudda Wildlife Sanctuary" has been declared.
6	Agenda-03 09-01-2019 (11 th meeting)	Declaring Bukkapattana Reserve Forests and the adjoining Reserve Forests of Tumkur district as "Bukkappattana Chinkara Wildlife Sanctuary".	"Bukkappattana Chinkara Wildlife Sanctuary" has been declared.
7	Agenda-04 09-01-2019 (11 th meeting)	According permission for utilizing 595.64 Ha. of forests lands in Karwar, Yellapur and Dharwad divisions for broad gauge railway line between Hubli and Ankola.	The Board decided to defer the subject as the facts placed before the Board was insufficient to take a decision on the subject.
8	Agenda-05 09-01-2019 (11 th meeting)	Declaring Cauvery and Malai mahadeshwara Wildlife Sanctuaries as Tiger Reserve.	Approval of the National Tiger Conservation Authority (NTCA) has been sought for the proposal to declare the Malai mahadeshwara Wildlife Sanctuary as a Tiger Reserve as approved by the State Board for Wildlife.
9	Agenda-06 09-01-2019 (11 th meeting)	Extension of Gudekote Bear Sanctuary by adding adjoining Reserve Forests.	"Gudekote Extension Bear Sanctuary has been declared.

10	<u>Agenda-07</u> 09-01-2019 (11 th meeting)	Permission to utilize 647 mtrs. length of RoW in Sulkeri-Mugru enclosures to lay AB bunch cable along the road passing through Kudremukh National Park.	The proposal was approved in the 55th Meeting of the Standing Committee of the National Board for Wildlife held on 29.08.2019.
11	<u>Agenda-08</u> 09-01-2019 (11 th meeting)	Adding Satyagala Jagir and Muneshwara Reserve Forests to Cauvery Wildlife Sanctuary.	"Cauvery Extension Wildlife Sanctuary" has been declared.
12	<u>Agenda-09</u> 09-01-2019 (11 th meeting)	Approval of the NBWL for expansion of 5th and 6th Atomic Power Plants at Kaiga.	The proposal was approved in the 55th Meeting of the Standing Committee of the National Board for Wildlife held on 29.08.2019.
13	<u>Agenda-10</u> 09-01-2019 (11 th meeting)	Declaring areas around Mullaiahnagiri hill ranges (other Govt. lands) adjoining Bhadra Tiger Reserve as Mullaiahnagiri Conservation Reserve.	The draft Notification is under preparation.
14	<u>Agenda-11</u> 09-01-2019 (11 th meeting)	Declaring Kamasandra and adjoining Reserve Forests of Bangarpet and Malur Taluks of Kolar as Kamasamudra Wildlife Sanctuary.	"Kamasandra Wildlife Sanctuary" has been declared.
15	<u>Agenda-12</u> 09-01-2019 (11 th meeting)	Declaring Hanumanahalli caves and adjoining areas in Mulubagilu Taluk of Kolar District for protection and conservation of Kolar Leaf Nosed Bats as Conservation Reserve.	"Kolar Leaf Nosed Bat Conservation Reserve" has been declared.
16	<u>Agenda-13</u> 09-01-2019 (11 th meeting)	Construction of a bridge across the back waters of Sharavathi reservoir for connecting Sigandur Chawdeshwari Temple from the main land by the National Highway	The proposal was approved in 52nd meeting of Standing Committee of National Board for Wildlife held on 10.01.2019 and the Deputy Conservator of Forests,

		Authority.	Wildlife Division, Shimoga has been directed to take necessary action.
17	Agenda 14 09-01-2019 (11 th meeting)	Expansion of Sharavathi Valley Wildlife Sanctuary and renaming it as "Sharavathi Valley Lion Tailed Macaque Sanctuary".	"Sharavathi Valley Lion Tailed Macaque Sanctuary" has been declared.
18	Agenda 15 09-01-2019 (11 th meeting)	Approval of the NBWL for Solar Electrification of 13 Haadies in Nagarhole Tiger Reserve.	As approved in the Standing Committee of the 48th National Board for Wildlife and the 11th State Board for Wildlife, the concerned officers have been directed to take necessary action.

Agenda-3:

Construction of bridge by the State of Kerala at Kootuhole (Koottupuzha) near Makutta in the Urti reserve forest of Brahmagiri Wildlife Sanctuary within the State of Karnataka.

The Member Secretary proposed that the State of Kerala is intended to build a bridge which falls under the forest region of Karnataka -Kerala State boundary from center of Kootuhole River to the Perambadi Ghat road in the Uruti reserve forest of the Brahmagiri Wildlife Sanctuary of Madikeri Wildlife Division.

Total diversion of 0.177 Ha. of forest land is required for the proposed project from Brahmagiri Wildlife Range. The proposed work would not involve any tree cutting and would not cause any damage to aquatic animals and wildlife habitat and at the same time the public will be benefitted.

The Board resolved to recommend the proposal to the National Board for Wildlife for approval.

Agenda No. 4:

Survey and Geo-technical Investigation in Sagar and Honnavara Forest Divisions for drilling of bore holes at identified places in respect of the proposed Sharavathi Pumped Storage Project in favour of Chief Engineer (Electrical Designs), KPCL, Bengaluru.

The Member Secretary proposed that Karnataka Power Corporation Limited has requested permission for conducting Survey and Geo-technical Investigation for construction of an underground 2000 MW hydro power station between existing Talakalale and Gerusoppa reservoir. The User agency is seeking permission from the Forest Department for conducting Survey and Geo-technical Investigation by drilling bore holes at the pre-identified locations for the proposed construction of underground power plants and generating hydro electricity at Shimoga and the Honnavar region by using water from pumped storage. He further explained that out of the total 15 points proposed for the drilling of bore hole for the said Survey and Geo-technical Investigation, 12 points fall within the Sharavathi Valley Lion Tailed Macaque Sanctuary.

After examining the above proposal, the Board resolved to recommend the proposal to the National Board for Wildlife for approval.

Agenda No. 5:

Declaration of Bonal Lake in Surapura Taluk, Yadagiri District as "Bonal Bird Conservation Reserve"

The Member Secretary proposed that Bonal Lake in Surapura Taluk in Yadagiri District is home for number of local and migratory birds which come for breeding and hence the Deputy Conservator of Forests, Yadgiri Division has submitted a detailed proposal for declaring Bonal Lake in Surapura Taluk as "Bonal Lake Conservation Reserve" as there is a need to preserve and conserve the said lake.

The Ministry of Environment, Forests and Climate Change has identified some of the important wetlands in Karnataka and Bonal Lake is one among them. The Village Panchayat has unanimously approved for declaration of the lake as a Conservation Reserve. As per the recommendations of the Deputy Commissioner, Yadgiri and Deputy Conservator of Forests, Yadgiri, to develop tourism in the underdeveloped district, the Board approved to declare the area as "**Bonal Lake Conservation Reserve**". The Board directed the Chief Wildlife Warden to submit draft notification to declare "**Bonal Lake Conservation Reserve**" under section 36 (A) of Wildlife (Protection) Act 1972 to the Government for issue of notification.

Agenda 6:

Declaration of Sloth Bear Sanctuary in the Hirekallugudda and surrounding forest areas in Arasikere of Hassan Division.

The Member Secretary proposed that Hirekallugudda-Ramenahalli-Chakankatte-Garudanagiri forest areas in the Arasikere range of Hassan Division comprising about 10088.37 ha. is good habitat for wild animals like bear, fox, wolf, blackbuck and deer. The scientists, NGOs and People's representatives have requested to declare the said area as Sloth Bear Sanctuary in order to protect the wildlife. He also explained that the Chief Conservator of Forests, Hassan Circle, has submitted a detailed proposal to declare the forest area as a Sloth Bear Sanctuary.

The Board approved the proposal to declare a total of 10088.37 hectares of reserve forest areas in Hirekallugudda-Ramenahalli-Chakankatte-Garudanagiri as "**Arasikere Sloth Bear Sanctuary**". The Board directed the Chief Wildlife Warden to submit draft notification under section 26 (A) of Wildlife (Protection) Act 1972 to the Government for issue of notification.

Agenda 7:

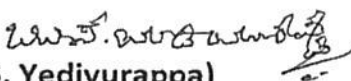
Proposal for repairing the existing tar road by making concrete top surface from Nelligudde cross to Koodlu.

The Member Secretary explained the proposal regarding the proposed road from Nelligudde cross to Koodlu which falls within the Someshwara Wildlife Sanctuary and it is in the right of way inside Someshwara RF. The User Agency i.e., Asst Executive Engineer, PWD, Karkala is seeking permission to repair the existing tar surface road to concrete surface for the existing width only. Every year the road is damaged during rainy season and requires constant repair as the area gets heavy rainfall and the terrain is rough. The Board approved the proposal for strengthening the proposed tar road into a concrete road.

Subjects discussed as per approval of the Chairman of the Board.

With due permission of the Chairman, Sri Sanjay Gubbi, the Board Member brought to the notice of the board that the ex-gratia amount of Rs. 5.00 lakhs being paid by the Government in case of human death by wild animals as per the present Government Order needs to be increased as it is very less. Considering the proposal, the Chairman of the Board approved the proposal to increase the ex-gratia amount from Rs.5.00 lakhs to Rs. 10.00 lakhs in case of human death by wild animals.

The 12th State Board for Wildlife meeting was concluded with Vote of Thanks to the Chairman and members of the Board.


(B.S. Yediurappa)

Chairman, State Board for Wildlife and
Chief Minister, Government Karnataka.

Proceedings of the 13th State Board for Wildlife held at Committee Room, 3rd floor, Vidhana Soudha under the Chairmanship of Hon'ble Chief Minister at 02.15 PM on 09.03.2020

Presence:

Sriyuths,

1.	Shri. B S Yediyurappa, Hon'ble Chief Minister, Government of Karnataka, Bengaluru.	Chairman
2.	Shri.Anand Singh, Hon'ble Minister, Forest, Environment and Ecology Department.	Member
3.	Smt.Soumya Reddy, Member of Legislative Assembly, Jayanagar Assembly constituency	Member
4.	Shri. Appaji Gowda N, Member of Legislative Council. Bengaluru.	Member
5.	Shri. T M Vijay Bhaskar, IAS, Chief Secretary, Government of Karnataka.	Special Invitee
6.	Dr. Sandeep Dave, IAS, Addl. Chief Secretary to Govt, Forests, Environment & Ecology Department, Government of Karnataka.	Member
7.	Shri. Punati Sridhar, IFS, Principal Chief Conservator of Forests (Head of Forest Force).	Member
8.	Dr. Ravindranath, IPS, ADGP, Forest Cell, Bengaluru.	Member
9.	Shri. Kumar Pushkar IFS, Managing Director, Karnataka State Tourism Development Corporation Limited, Bengaluru.	Member
10.	Dr. N.C. Shivaprakash, Professor, Adichunchanagiri Institute of Medical Science, Mysore.	Member
11.	Shri. Malleshappa, President, Swami Vivekananda Seva Trust (R), Chamarajanagar	Member
12.	Shri. P M Subru, Bin Mara, Nokya Village, Thithimati Post, Virajpet.	Member

13.	Dr. Madegowda C, Banglapodu, BR Hills, Yelandur Taluk, Chamarajanagar	Member
14.	Shri. Neeraj Nirmal KN, General Secretary, Nature Apeksha Society, "Swati" Main Road, Ullal, Dakshina Kannada.	Member
15.	Director, Fisheries Department, Bengaluru.	Member
16.	Shri. Sanjay Gubbi, 2208/B, Sadana Road, K.R. Extension, Tumkur-572101	Member
17.	Dr. K A Subramaniyan, Joint Director, Zoological Survey of India, Kolkatta.	Member
18.	Shri. Rana George, M/s Kelachandra Group of Companies, No 16, St. Marks Road, Bengaluru.	Member
19.	Shri. Alok Vishwanath, Singanayakanahalli, Bengaluru-560064	Member
20.	Shri. Naveen J S, No 20, 2 nd floor, above Raymond showroom, DVG road, Basavanagudi, Bengaluru.	Member
21.	Shri. Chetan B, No 151, R L Jalappa College road, Kodihalli, Doddaballapura, Bengaluru-561203	Member
22.	Shri. Dinesh Singhi, Pride Elite 10, Museum road, Bengaluru-560001	Member
23.	Shri. Sanjai Mohan, IFS, Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Bengaluru	Member Secretary

The Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden and Member Secretary of the Board extended a warm welcome to the Hon'ble Chief Minister & Chairman of the Board and all members and requested the Chairman to chair the meeting. He initiated discussions as per Agenda of 13th State Board for Wildlife with the approval of the Chair.

Agenda-1:

The Board approved the proceedings of the 12th State Board for Wildlife meeting held on 26-09-2019 as requested by the Chief Wildlife Warden as no comments / suggestions were received on the proceedings from Board members.

Agenda-2:

The Chief Wildlife Warden brought to the notice of the Board about action taken on the decisions of the previous board meetings which were approved by Board in the respective meetings as noted hereunder:

Sl. No.	Agenda No. and date	Subject	Action Taken
1.	Agenda-24 31-08-2016	Declaring islands of Nethravathi as Conservation Reserve.	A draft notification declaring the Netravathi Islands as a Conservation Reserve is submitted to the Government on 05.03.2020
2	Agenda-03 26.09.2019 (12 th meeting)	Construction of bridge by the State of Kerala at Kootuhole (Kootupuzha) near Makutta in the Urti reserve forest of Brahmagiri Wildlife Sanctuary within the State of Karnataka.	The proposal was submitted to the Central Government by the State Government vide Letter No: FEE 28 FLL 2018 Dated: 14.01.2020 for approval of the National Board for Wildlife.
3	Agenda-04 26.09.2019 (12 th meeting)	Survey and Geo-technical Investigation in 877.507 hectare of forest land in Sagar and Honnavara Forest Division for proposed Sharavathy Pumped Storage Project in favour of Chief Engineer (Electrical Designs), KPCL, Bengaluru.	The proposal was submitted to the Central Government by the State Government vide Letter No: FEE 27 FLL 2019 Dated: 18.01.2020 for approval of the National Board for Wildlife.

4	Agenda-05 26.09.2019 (12 th meeting)	Declaration of Bonal Lake in Surapura Taluk, Yadagiri District as "Bonal Bird Conservation Reserve" under section 36 (a) of the Wildlife Conservation Act, 1972	A draft notification declaring Bonal Lake as "Bonal Lake Bird Conservation Reserve" is under preparation stage
5	Agenda-06 26.09.2019 (12 th meeting)	Declaration of the Bear Sanctuary in the Hirekallugudda and surrounding forest areas in the Arasikere region of Hassan	A draft notification declaring "Arasikere Sloth Bear Sanctuary" has been submitted to the Government on 16.01.2020

Agenda-3: Diversion 10.45 Ha (9.57 Ha in Dandeli Wildlife Sanctuary & 0.88 ha. in Haliyal Division) of forest land for to non-forestry purpose for doubling of the track between Tinnaighat – Castlerock–CaranzolbySouthwestern Railway, Hubli.

The Member Secretary proposed that, South-Western Railway has submitted a proposal for doubling of the existing single track on Tinnaighat – Castlerock–Caranzol route. This project will help freight traffic from the inland to port at Goa and improved rail connectivity for passengers. Further he explained that out of required 10.45 ha of forest land for this project, 9.57 ha. forest area falls within the Castlerock Wildlife Range of the Dandeli Wildlife Sanctuary and can be recommended to National Board for Wildlife subject to the conditions that the User Agency prepares a suitable Mitigation plan to reduce the impact on wildlife and conditions imposed in Part-IV of the Proposal.

Shri. Sanjay Gubbi, Member of the Board requested the Board to adopt new Mitigation Measures prepared by the Wildlife Institute of India. Responding to this, the Addl. Chief Secretary of the Government, Department of Forests, Environment and Ecology explained that the existing Mitigation Measures will be extended to the proposed new railway line.

The Board discussed the project and decided to recommend it to the National Board for Wildlife for approval subject to the conditions that the current applicable Mitigation Measures should be incorporated to the proposed double line.

Agenda-4: Diversion of 595.64 ha of forestland in Karwar, Yellapura and Dharwad Division for the construction of New Broad Gauge Railway line between Hubballi-Ankola.

The proposal for diversion of forest land of 595.64 ha. in Karwar, Yellapur and Dharwad forest divisions for the new broad-gauge railway line between Hubballi-Ankola was placed before the Board by the Member-Secretary for deliberations by giving the brief of the project.

Sri. Malleshappa, Member of the Board informed that the said proposal was discussed in the previous State Board meetings and was rejected by the Forest Department, State Government., and Central Government.

Dr. Shivaprakash, Member of the Board informed that about two lakh trees will have to be cut for the proposed project and Hubballi-Ankola National Highway has already been widened and therefore purpose of the connectivity is already served. Hence there is no need for the proposed railway project. Further, lot of trees were cut during the last 30 years for various projects in this landscape. Since, a good National Highway is existing in this area, the proposed project may kindly be dropped.

The Hon'ble Minister for Forests, Environment and Ecology Department informed that there is already adequate railway connectivity to the west coast and we should try to conserve the existing pristine forests. There doesn't seem to be need for the said project.

The Principal Chief Conservator of Forests (Head of Forest Force) informed that there is already a railway connectivity between Hubballi- Londa-Madagon and it will take only 2 hours extra for the people to reach Ankola as compared to the proposed line. Hence, he requested to reject the proposal.

Sri. Sanjay Gubbi, Member of the Board informed that the said proposal has been rejected twice by the State Board and rejected twice by the Central Govt. The Central Empowered Committee had reported to the Hon'ble Supreme Court to reject the proposal. The Kali River is a major source of water in Uttara Kannada district and the proposed project area is a major catchment area of the river. There will be acute shortage even for the drinking water if the proposed project is approved and hence requested to reject the proposal.

Smt. Sowmya Reddy, MLA, Jayanagar Constituency and Member of the Board requested to reject the proposal since the proposed area is very rich in wildlife and is detrimental to nature due to extraction of lakhs of trees.

The Chief Secretary and a Special Invitee to the Board informed the chair that there is demand for Hubballi-Ankola Railway project since decades and Central Government had approved the project during 1990s itself. He further said that the entire expenditure will be borne by Indian railways. The Central Govt., has been reviewing the project and has enquired for the delay. He added that the proposed project does not come in any wildlife sanctuary and the then Chief Minister had approved the project in the file. As per Govt. of India guidelines, any linear development projects can be approved subject to the condition of implementing proper mitigation measures.

Sri. Dinesh Singhvi, Member of the Board informed that at present India's total steel production is 110 Mt and the plan for 2030 is 300 Mt, but total production would be 220-240 Mt. Steel production in Bellary sector at present is approx. 20 Mt which may go up to 30 Mt. The requisite imports are handled mainly from Krishnapatnam, Goa and NMPT. With doubling of tract from Vasco to Londa, the carrying capacity of line will be increased from 35-40 Mt to 80-90 Mt and as such there is no necessity for another railway project and hence requested to reject the proposal.

Sri. Sanjay Gubbi, Member of the Board informed that it is true that the project area does not come inside the wildlife sanctuary, but, as per the guidelines of the MoEF & CC dated: 5.12.2017, railway projects passing through the areas linking one Protected Area or Tiger Reserve with another Protected

Area or Tiger Reserve, the approval of National Board for Wildlife on the advice of National Tiger Conservation Authority as provided under Sec.38 (0) (i) (g) of Wildlife (Protection) Act, 1972 is essential. The proposed railway line falls within the forest corridor between Kali Tiger Reserve and Bedthi Conservation Reserve. The NTCA as well as the State Govt., has already rejected the proposal. Hence, it may not be proper to approve the already rejected proposal.

Dr. Shivaprakash, Member of the Board informed that the proposed project area is a habitat for the wrinkled frogs which is very rare and endangered. Lot of wild animals have died in Madhya Pradesh and Gir forests of Gujarat which has taken up such projects. Countless wild animals are dying due to rail accidents. The proposed project area is one of the mega biodiversity hot spots of the planet and needs to be preserved. The said project has been rejected by Govt. of India and statutory bodies and hence requested to reject the same.

Sri. Malleshappa, Member of the Board informed that the report including mitigation measures in respect of the proposed project by the Indian Institute of Science is unscientific and IISc has not consulted the Forest Department before preparation of the mitigation plan. The proposed project has been rejected by the Central Empowered Committee too. There will be a problem for drinking water if the project is approved. He further informed that the forests are not only meant for wild animals but also a source of water which is essential for human being and next generation. Hence, he requested to reject the proposal.

The Hon'ble Chief Minister and Chairman of the Board informed the Addl. Chief Secretary, FEE Department to put forth his views on the proposal. Accordingly, the ACS, FEE informed that even though the then Hon'ble Prime Minister of India, Sri. Atal Bihari Vajpayi had announced the said project, it had not been approved and the MoEF & CC had rejected the same. Approximately two lakh trees have to be felled for the project. Since, the railway network is already strengthened by approving the project proposal cited at Agenda-3 above i.e, doubling between Tinnaihat- Castlerock- Caranzol, there is no need for the proposed project.

The Chief Secretary and a Special Invitee to the Board informed that since no wildlife sanctuary falls within the proposed project and the then Chief Minister had approved the project in the file. As per Govt. of India guidelines prepared by Wildlife Institute of India for any linear development projects can be approved subject to the condition of implementing proper mitigation measures.

The Addl. Chief Secretary, FEE Department informed that the fly over proposed by the Ministry of Road Transport and Highways, Government of India of about 24 kms in Bandipur National Park to connect Gudlupet of Karnataka to Waynad of Kerala was not approved by Karnataka. This proposed line is even longer than the road project. Further, it may take between 5 to 10 years to complete the project. During this period, there will be negative impact on the forests and wildlife due to constant movement of labourers and machinery engaged in the project. More importantly, many trees will be felled for the project and hence requested to reject the proposal.

The Hon'ble Minister for Forest, Environment and Ecology Department also requested to reject the proposal since it is detrimental to forests and wildlife.

Since all the Members of the Board have unanimously requested to reject the proposal, the Hon'ble Chief Minister and Chairman of the Board agreed for rejection of the proposal.

Agenda-5: Re-notifying the boundaries of Shettihalli Wildlife Sanctuary without reducing the area & extent.

The Member Secretary proposed that, the proposal to realign and notify the Shettihalli Wildlife Sanctuary area was approved by the 9th State Board for Wildlife and submitted to the National Board for Wildlife for approval. On the recommendation of the Standing Committee of the 50th National Board for Wildlife to constitute a committee to change / identify the boundaries of the Shettihalli Wildlife Sanctuary, the State Government ordered to create a Committee under the Chairmanship of Chief Conservator of Forests, Shivamogga vide under the Government Order No.FEE 217 FWL 2016 dated 29-12-2018.

The Member Secretary informed that the committee constituted under the Chairmanship of Chief Conservator of Forests Shivamogga, Circle Shivamogga discussed the proposal in various meetings and drafted a revised draft notification. The said proposal excluded non-forest areas, dwelling places and cultivating lands, de-reserved forest area for rehabilitating the Sharavathiproject. The draft notification by adding notified reserve dense forest&wildlife habitat adjoining to the existing sanctuaryare aligned toinclude a total of 402.41 sq.kmwhich is slightly more than 395.6 sq.km.ofthe original notification ofShettihalliWildlife Sanctuary.

The Board reviewed the proposal and recommended the report submitted by the Committee constituted under the Chairmanship of Chief ConservatorofForests, Shivamogga Circle, Shivamogga to add area from Masaruru SF (part), Sakrebailu Plantation, Bommanahalli SF of ShimogaTalukand Chornadehalli SF and Kaitotlu MF (part) of BhadravathiTaluk to make a total of 402.41 sq.km as **“Shettihalli Wildlife Sanctuary”**. The Chief Wildlife Warden has been instructed to prepare a draft notification for declaring **“Shettihalli Wildlife Sanctuary”**as per realigned boundaries as per Section 26 (a) of the Wildlife (Protection) Act, 1972, incorporating the proposed forest areas into the Shettihalli Wildlife Sanctuary.

Agenda-6: Proposal from Divisional Engineer, BSNL for Optical Fibre Project, Kalaburagi for the approval of the State Board of Wildlife for laying of Optical Fibre Cable (from Tandoor to Kunchavaram) in the Right of Way of the road at Chincholi Wildlife Sanctuary, Kalaburagi Division.

The Member Secretarystated thatthe Divisional Engineer, BSNL, Optical Fibre Project, Kalaburagihhas submitted a proposal to lay underground Optical Fibre Cable from Tandoor to Kunchavaram in the Right of Way of the road (0.9215 ha) at Chincholi Wildlife Sanctuary, Kalaburagi Division for providing internet and telecom services to Gram Panchayats under the National Fibre Network (Digital India).Further he explained that the Deputy Conservator of Forests Kalaburagi has submitted Site Inspection Report after inspecting the proposed site. The report recommends the proposal and that there is no need for any tree cutting to execute the project and that there will be no soil erosion

due to the use of hydraulic drilling method for laying of underground Optical Fibre Cable.

The Board discussed the project and approved to recommend the proposal to the National Board for Wildlife to lay underground Optical Fibre Cable using of hydraulic drilling method in the Right of Way of the road at Chincholi Wildlife Sanctuary for the purpose of providing internet and telecom services to the Village Panchayats.

Agenda-7: Wildlife Clearance for Modernization of the Vijayanagar Channel System located in Ballari, Koppal & Raichur Districts of Karnataka.

The Member Secretary proposed that the Chief Engineer, Karnataka Irrigation Corporation Limited, Irrigation Central Zone, Munirabad has submitted a proposal to renovate the 400 year old Vijayanagar canal system built during the Vijayanagar Empire. The Vijayanagar Canal system has a total of 19 anecuts, 18 of which are in the state of Karnataka and one in the Andhra Pradesh. The User Agency has proposed to upgrade 16 dilapidated anecuts and submitted online proposal to obtain Wildlife Clearance because out of 16, 9 anecuts fall within the "Tungabhadra Otter Conservation Reserve" (5 in Koppal Division and 4 in Bellary Division) notified as per Section 36 (a) of the Wildlife (Conservation) Act, 1972. He further explained that the proposal submitted by the User Agency is inspected by the Deputy Conservator of Forests, Koppala, Ballary and Chief Conservator of Forests, Ballari Circle, Ballari and reported that the proposed project is to upgrade the existing anecut structures and the project will not require any land in the river or protected area.

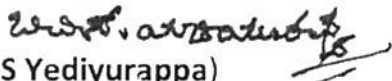
The Board discussed the project and decided to recommend the proposal to the National Board for Wildlife with conditions as this project doesn't require any land in the river or protected area and is concerned with supply of water to the backward districts of Bellary, Raichur and Koppal districts through canals by renovating the existing anecuts.

Subjects discussed after getting approval from the Chairman of the Board.

Agenda- 8: Muguli Marine Wildlife Sanctuary.

Shri Sanjay Gubbi, the Board Member requested in the meeting that a marine protected area should be notified in the Karwar - Honnavar area as the Government has already announced Rupees one crore in the State budget for 2020-21 which should be earmarked for the development of this new marine protected area. The area is home to some endangered shark species such as the Broad fin Shark, Spina Levine, Oasis White Tip Shark and Spot Tailed Shark, Baleen whales, Humpback whales, Sperm whales etc. The Chairman and the Board members approved in principle the proposal to declare the Karwar-Honnavar coastal area as a "**Marine Wildlife Sanctuary**" and instructed the Member Secretary to prepare a detailed proposal.

The 13th State Board for Wildlife meeting was concluded with a Vote of Thanks to the Chair.


(B S Yediyurappa)

Chairman, State Board for Wildlife
And Hon'ble Chief Minister,
Government of Karnataka.

Proceedings of the 14th State Board for Wildlife held at Committee Room, 3rd floor, Vidhana Soudha under the Chairmanship of Hon'ble Chief Minister at 02.15 PM on 20.03.2020

Presence:

Sriyuths,

1.	Shri. B S Yediyurappa, Hon'ble Chief Minister, Government of Karnataka, Bengaluru.	Chairman
2.	Ms. Soumya Reddy, Hon'ble MLA, Jayanagar Assembly Constituency	Member
3.	Shri. M Ashwin Kumar, Hon'ble MLA, T. Narasipura Assembly Constituency.	Member
4.	Shri. Appajigouda. N. Hon'ble MLA, Bengaluru.	Member
5.	Dr. Sandeep Dave, IAS, Addl. Chief Secretary to Govt, GOK, Bengaluru.	Member
6.	Shri. Punati Sridhar, IFS, Principal Chief Conservator of Forests (HoFF), Bengaluru.	Member
7.	Shri. Kumar Naik, IAS, Principal Secretary to Govt., Social Welfare Department, Bengaluru.	Member
8.	Dr. Ravindranath, IPS, ADGP, Forest Cell, Bengaluru	Member
9.	Shri. Kumar Pushkar, IFS, Managing Director, Karnataka State Tourism Development Corporation, Bengaluru	Member
10.	Director, Fisheries Department, Bengaluru	Member
11.	Director, Department of Animal Husbandry & Veterinary Services.	Member
12.	Dr. N.C. Shivaprakash, Professor, Adichunchanagiri Institute of Medical Science, Mysore.	Member
13.	Shri. Malleshappa, Chairman, Swami Vivekananda Seva Trust (R), Chamarajanagar	Member
14.	Shri. Sanjay Gubbi, 2208/B, Sadana Road, K.R. Extension, Tumkur-572101.	Member
15.	Shri. Alok Vishwanath, Singanayakanahalli, Bengaluru-560064.	Member
16.	Shri. Naveen J.S. No 20, 2 nd Floor, above Raymond showroom, DVG road, Basavanagudi, Bengaluru.	Member
17.	Shri. Chetan B, No 151, R L Jalappa College road, Kodigehalli, Doddaballapura, Bengaluru -561203.	Member
18.	Shri. Sanjai Mohan, IFS, Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Bengaluru.	Member Secretary

Leave of absence:

- 1) Shri. Anand Singh, Hon'ble Minister for Forests, Environment and Forests, Karnataka.
- 2) Shri. Rana George, M/s Kelachandra Group of Companies, No 16, Saint Marks Road, Bengaluru.
- 3) Shri. Dinesh Singhi, Pride Elite 10, Museum road, Bengaluru-560001.
(E-mailed not to recommend the project. Copy attached)
- 4) Shri. Ajay A Desai, BC 84 Camp, Belgaum.
(E-mailed not to recommend the project. Copy attached)

Special Invitees:

- 1) Shri. Jagadish Shettar, Hon'ble Minister of Large and Medium Scale Industries excluding Sugar and Minister of Public Enterprise Department, Government of Karnataka.
2. Shri. Shivaram Hebbar, Hon'ble Minister of Labour and Minister of Sugar Government of Karnataka.
3. Shri. R V. Deshpande, MLA, Haliyal Assembly constituency and former Minister for Large and Medium Scale Industries.
4. Shri. T. M. Vijay Bhaskar, IAS, Chief Secretary, GOK, Bengaluru.
5. Shri. Subhash K. Malkede, IFS, Addl. Principal Chief Conservator of Forests (Wildlife), Bengaluru.
6. Shri. G.V. Ranga Rao, IFS, Addl. Principal Chief Conservator of Forests, (Project Elephant), Bengaluru.

The Additional Principal Chief Conservation Forests (Wildlife) welcomed the Hon'ble Chief Minister and all members of the Board for the 14th State Wildlife Board meeting.

The Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden and Member Secretary of the Board informed the Board that in the 13th meeting of the Board that had taken place on 09th of March 2020, the Board has approved seven proposals, but when the draft proceedings were submitted to the Hon'ble Chairman for approval and signature, it was returned with a direction to convene another Board meeting on 20.03.2020 to re-discuss the Hubli-Ankola Railway Project. Accordingly, the 14th meeting of the State Board for Wildlife has been convened.

Hon'ble Chief Minister and Chairman of the Board said that the Agenda of Hubli-Ankola Railway project was elaborately discussed in the last meeting. He said that it has been brought to his notice that the Railway Department has reduced the forest area required for the project and also reduced total number of trees to be extracted. As this project is an important aspiration of the backward region of North Karnataka, the meeting was called to hear the views of all stake holders.

Shri Jagadish Shettar, Hon'ble Minister of Large and Medium Scale Industries, Government of Karnataka who attended the meeting as a Special invitee, informed about the forest land diversion to construct a New Broad Gauge railway line between Hubli and Ankola. He informed the Board that the then Prime Minister of India Shri Atal Bihari Vajpayee had laid the foundation of this railway line during his visit to Yellapur, Sirsi. This project is necessary because when the development of an area is to be considered, one has to give importance for infrastructure related projects. The Hubli-Ankola Railway line is a dream for the people of North Karnataka and now it has to come true. He thanked the Chairman of the Board for giving an opportunity to put forth his views on the project as the Minister of Large and Medium Scale Industries of Karnataka and said development in Karnataka is Bangalore centric and Karnataka needs to develop *Tier-II* industrial hubs. Recently "Invest in Karnataka" Conference was held at Hubli by the Department of Industry and Commerce of the Government of Karnataka and a demand for Hubli-Ankola line and development of Belekere port was made. Hubli-Ankola rail line and development of Belekere port will enable a holistic development of Northern Karnataka. Presently, Northern Karnataka is dependent on the port of Marmagao and Mumbai. Earlier Bengaluru relied on Mangalore port but now on Krishnapattanam port of Andhra Pradesh due to connectivity issues. In the present scenario, the development of our own ports is essential and said that the Hubli-Ankola and Belekere project would be good for the people of North Karnataka and the dream will come true if everyone join hands.

Further, he said that the Indian Institute of Science, (IISc) Bengaluru, an independent institute, had studied the proposed Hubli-Ankola railway line and has submitted feasibility report with mitigation Measures for Wildlife. Regarding Board's approval for doubling of Hubli to Madgaon existing line with connectivity to Ankola, the

Hon'ble Minister told the Board that the distance covered to reach Ankola by this route would be more than the proposed new rail line and this route will benefit Bijapur, Belgaum, Koppal and Bagalkot districts of Northern Karnataka. He further stated that the total length of project is reduced by 3.85 km, the extent of forest are required is reduced from 965 Ha to 595 ha, forest trees to be felled have been reduced from 194800 to 157000 and tunnels have been reduced from 29 to 25. The mitigation measures for elephant movement etc., are given in the report. The highway traffic on National Highway 63 has increased, resulting in increased accidents and increased fuel consumption. With the implementation of this project, transporting of goods by rail will save considerable amount of fuel. It also provides direct connectivity to Belekere port. The Hubli-Ankola railway line will be fully funded by the Central Government. The State Government has to acquire only land and hence, requested the Board to approve the project.

Shri R.V. Deshpande, ex- Minister of Large and Medium Scale Industries of Karnataka and Member of Legislative Assembly, Haliyal constituency, who attended the meeting as a Special invitee said that he has come to share his opinion though he is not a member of this Committee but belongs to the area where the project is proposed. He said that he had discussed with environmentalists and politicians and he has been representing Uttara Kannada district for almost 50 years. The people of Uttara Kannada are waiting for this project to be completed. People opposed the Project Sea Bird, Kaiga Project, Kadra and Kodsalli Projects on River Kali initially, but the projects were supported keeping the interests nation in mind. In Uttara Kannada district forests are abundant protected well, therefore it is not correct to oppose the development in district. According to the 2019 FSI Report, the State of Karnataka has recorded the highest increase in forest cover. 255 hectares of non forest land is already handed over to the Railway Department in Dharwad district. This project requires approval from the National Board for Wildlife. Double the forest area can be used for afforestation in lieu of the forest area utilised for the project. Lands from Revenue Department can also be used for afforestation. In the region, due to mining, thousands of trucks are travelling daily which disturbs the wildlife, human and cattle. This project is required for the development of North Karnataka. He said that Karwar is best port of the country as it is a natural harbour. The IISc, Bengaluru has provided a detailed report on all of these issues without any bias. Every year, government expenditure is increasing but

overall collection of revenue is less. Thus the establishment and development of industries is essential. He requested the Board to approve the project, stating that the connection of the Northern Karnataka Railway Network to Karwar would benefit the people of Northern Karnataka.

Shri Sanjay Gubbi, Member of the Board said that implementation of the project is not legally correct. The IISc, Bengaluru prepared the Mitigation Measures report in October 2013 and NGT Delhi in order in February 2016 has directed the user agency to submit fresh application and hence the report of IISc, becomes null and void. If anyone goes to the court after approval, it may invite the legal problems. Apart from this, as per the guidelines of the MoEF& CC dated: 5.12.2017, railway projects passing through the areas linking one Protected Area or Tiger Reserve with another Protected Area or Tiger Reserve, the approval of NBWL on the advice of NTCA as provided under Sec.38 (0) (i) (g) of Wildlife (Protection) Act, 1972 is essential. The project is also rejected by the National Tiger Conservation Authority in 2018. It is legally correct to drop the project as it has been rejected by the National Green Tribunal. In addition, we all have already noticed the recent landslides and excessive rain in Kodagu and Kerala in the Western Ghats. He requested the Board to reject the project.

Shri Malleshappa, Member of the Board, said that the report prepared by IISc, Bengaluru for the proposed project is unscientific and proper discussion not held with the Forest Department. The project has already been discussed in the 13th State Board for Wildlife. It has already been rejected twice but once again the meeting is called. He further told that the recent natural calamities in Kodagu, Charmadi Ghat in Chikmagalur are because of destruction of forests. An alternative route is already available which increases the travel time to Ankola merely by an hour and a half. Therefore, destroying the prestigious Western Ghats for the sake of this rail line is not prudent. He also requested the Chair that before approving the project, an aerial survey may be taken up by the Hon'ble Chairman and final decision may be taken after analysing all the aspects.

Dr N. C. Shivaprakash, Member of the Board said the proposed project is coming up in the Western Ghats which is one of the mega biodiversity hot spots of the world and it is a home for many wildlife some of them endemic to the area. It is a place of origin of many rivers which are a life line to the people of Karnataka. The project will have a huge impact on them. Approval for doubling and strengthening of an alternate line (Tinnaighat- Castle rock –Caranzole) had already been accorded in the last meeting. IISc, Bengaluru is not an institute with an expertise in providing wildlife mitigation measures for such mega projects and it is not correct to accept the report prepared by it. The CEC of the Hon'ble Supreme Court had rejected the report. Also, the destruction of the forests is causing more and more damage to nature and deforestation in the name of development is not correct. He requested the Chairman to take decision after taking up a survey of the proposed project area. He expressed apprehensions that Railway department took six years to complete the project of converting Bangalore-Mysuru railway line to Broad gauge and the proposed project will take not less than 12 to 15 years. The daily movement of men and machinery during the implementation will have a serious impact on the surrounding forests causing much more degradation than the project itself. Therefore he requested the Chairman to drop the project.

Shri Appajigouda N B, Member of the Board said the approval of Hubli-Ankola railway line was already discussed in the previous meeting. Now the matter has already been elaborated by the Hon'ble Minister, Shri Jagadish Shettar and Shri R V Deshpande. He told that Former Prime Minister of India Shri Atal Bihari Vajpayee laid the foundation stone for the railway project. The Hon'ble Prime Minister is the Chairman of National Board for Wildlife and the matter is discussed there also. Therefore, he suggested that all the legal issues raised may be addressed and project be approved in the interest of people of North Karnataka.

The Chief Secretary, Karnataka, stressing the need to protect the environment & Western Ghats, said that the proposed project area is not a tiger reserve and the project can be implemented by taking appropriate mitigation measures. He further said that the project has been a dream of the people of North Karnataka for long time and the same is being discussed since several years now it's an opportunity to make a dream come true. Therefore, he requested to recommend the project.

The Additional Chief Secretary, FEE said the Hon'ble Minister for Forests, Ecology and Environment Department, Government of Karnataka is not present in this meeting, and that in previous Board meeting held on 9th March, he was of the opinion that the said project would be highly detrimental to forest and Western Ghats and had requested to drop the proposal. Therefore he requested the Chair to discuss the matter with the Minister of Forests and take a decision. He further said that, the Forest Department and the Infrastructure Development which are both part of Government of Karnataka have a different opinion in this regard. The Board's decision in the matter may be left to the Hon'ble Chairman and he can decide whether the matter should be discussed in the Cabinet or in the Board itself.

The Principal Secretary, Department of Social Welfare and Member of the Board stated that the department is concerned about the issues of rehabilitation and resettlement particularly scheduled communities and tribes, and recommended that for the development of north Karnataka the project is important and requested the chairman to approve the project.

The Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden and Member Secretary of the Board said that the report prepared by the IISc, Bengaluru is impractical and no forest officers were involved while preparing the Report. They have prepared the report without consulting the Chief Wildlife Warden and also not submitted a copy of the report to the Forest Department.

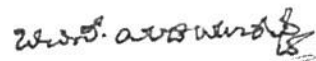
Shri Jagadish Shettar, Hon'ble Minister of Large and Medium Scale Industries said, IISc, Bengaluru is a reputed autonomous institute of the Country, while preparing the report they discussed all environmental and wildlife concerns, and necessary remedial and mitigation measures were incorporated and requested the Chairman to recommend the project. He further explained that the proposal recommended will not be ratified and approved without inspection by the Central Government.

The Chief Secretary replying to the apprehensions expressed by the members said that though the report prepared by experts from the IISc Bengaluru is of 2013 but the proposed project area has not changed and the forests are the same as they were in 2013 and hence the report is still relevant today. He further said to avoid degradation at the time of implementation of the project the workers/laborers engaged in laying rail line and other works would have to be compulsorily housed in nearby villages outside and away from the forest areas. The Chief Secretary further said that the proposals recommended from the State Board for Wildlife will be debated at the National Board for Wildlife and the National Board consists of experts from all fields and their opinions will be taken before according the final approval to the project and requested the chairman to recommend the proposal and submit to National Board.

After all the above deliberations, the Hon'ble Chief Minister and Chairman of Board opined that the development of the backward North Karnataka is very important and for the aspirations of the people living there and during the implementation of the project all necessary mitigation measures should be taken and the project needs to be recommended.

Hence The Board resolved to recommend the proposal to National Board for Wildlife.

The 14th State Board for Wildlife meeting concluded with a Vote of Thanks to the Chair.



(B S Yediyurappa)
Chairman, State Board for Wildlife
And Hon'ble Chief Minister,
Government of Karnataka.

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Principal Chief Conservator of Forests
(Wildlife) & Chief Wildlife Warden,
Karnataka



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Dated: 17-03-2020

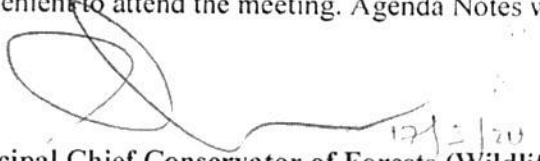
No. KFD/WL/Land(SBW)/1/2020

:MEETING NOTICE:

Sub: 14th Meeting of State Board for Wildlife – reg.

The 14th meeting of State Board for Wildlife is convened under the Chairmanship of Hon'ble Chief Minister, Government of Karnataka on 20-03-2020 at 02.15 P.M at Vidhana Soudha, 3rd Floor, Committee Room (No.313) to discuss further on diversion of 595.64 ha. of forest land for construction of new broad gauge railway line between Hubballi-Ankola.

You are requested to make it convenient to attend the meeting. Agenda Notes will follow shortly.


Principal Chief Conservator of Forests (Wildlife)
& Chief Wildlife Warden & Member Secretary,
State Board for Wildlife, Bengaluru.

Communicated to:

1. The Officer on Special Duty to Hon'ble Chief Minister of Karnataka & Ex-officio Secretary to Government with a request to bring the above matter to the notice of the Hon'ble Chief Minister.
2. The P.S to the Hon'ble Minister for Forest, Ecology & Environment, Govt., of Karnataka, Bengaluru with a request to bring the above matter to the notice of the Hon'ble Minister.
3. Smt.Soumya Reddy, MLA Jayanagara Constituency, No.445/7, 15th Cross, Lakkasandra, Bengaluru.
4. Sri.Appajigowda, MLC, No.162/49, Naidile. 6th Cross, Bapuji Layout, Chandra Layout, Vijayanagara, Bengaluru.
5. Sri.M.Ashwin Kumar, MLA, T.Narsipura, No.8, Farm House, Tumbala village, Kasaba Hobli, T.Narsipura Taluk, Mysuru District.
6. Sri.G.Malleshappa, President, Swamy Vivekananda Seva Trust (R), Chamarajnar District – 571 441.
7. Sri.Neeraj Nirmal, General Secretary, Nisarga Aapeksha Society, "Swathi", Main Road, Ullal, South Kanara.
8. Sri.A.G.T. Johnsingh, Nature Conservation Foundation, Mysore.
9. Sri.Ajay A.Desai, B.C.84 Camp, Belgaum.

10. Sri.Sanjay Gubbi, 2208/B, Sadhana Road, K.R.Extension, Tumkur – 572 101.
11. Dr.N.C.Shivaprakash, Professor, Department of Paediatrics, Adhichunchangiri Institute of Medical Science, No.2822, 8th Cross, 6th Main Road, V.V.Mohalla, Mysore – 570 002.
12. Sri.P.M.Subru, S/o of Late Mara, Jungle Hadi, Thithimathi Post, Virajpet Taluk, Kodagu.
13. Sri.Rana George, M/s.Kelachandra Group of Companies, No.16, St.Marks Road, Bengaluru.
14. Sri.Alok Vishwanath, Singanayakanahalli, Bengaluru-560064.
15. Sri.Naveen J.S, No.20, 2nd Floor, above Raymond Showroom, D.V.G.Road, Basavanagudi, Bengaluru.
16. Sri.Chetan. B, No.151, R.L.Jalappa College Road, Kodigehalli, Doddaballapura, Bengaluru-561203.
17. Sri.Dinesh Singhi, Pride Elite 10, Museum Road, Bengaluru-560001.
18. Dr.Madegowda.C, Bangale Podu, B.R Hills, Yelandur Taluk, Chamarajnagar-571441.
19. The Addl. Chief Secretary to Government, Forest, Ecology & Environment Department, M.S.Building, Bengaluru.
20. The Principal Chief Conservator of Forests (Head of Forest Force), Aranya Bhavan, Bengaluru.
21. The Principal Secretary to Government, Social Welfare Department, Bengaluru.
22. The Managing Director, Karnataka State Tourism Development Corporation, Yeshwanthpur, Bengaluru.
23. The Inspector General of Police, Forest Cell, Bengaluru.
24. The Commander, VSM, Naval Station Commander, Bangalore (A representative of the Armed Forces not below the rank of Brigadier as nominated by the Central Government).
25. The Director, Animal Husbandry and Veterinary Services, Bengaluru,
26. The Director, Department of Fisheries, Bengaluru.
27. An Officer as nominated by the Director, Wildlife Preservation, New Delhi.
28. A representative of the Director, Wildlife Institute of India, Deharadun.
29. A representative of the Director, Zoological Survey of India, Kolkata.
30. A representative of the Director, Botanical Survey of India, Kolkata.

Cong playing divisive politics: Joshi

HUBBALLI, 29: Union Parliamentary Affairs Minister Prahlad Joshi charged that Congress is engaged in divisive politics, by misguiding people regarding the Citizenship (Amendment) Act (CAA).

"Desperate Congress and other parties are into information campaign related to the CAA, though this act will not snatch citizenship away from any Indian. In its craze to oppose Narendra Modi and BJP, Congress is opposing the nation itself," he said.

He said media persons that the anti-CAA protest rally on Tuesday was politically motivated, and it was led by the Congress leaders. "The Congress has lost the support of Dalits, and BJP has maximum number of MLAs and MPs from Dalit community. Dalits are not opposing the CAA, and nearly 70% of refugees from Pakistan and Bangladesh are Dalits, Joshi added.

Large & Medium Scale Industries Minister Jagdish Shettar also opined that the anti-CAA rally was Congress sponsored. Congress has no issues, and it is misguiding people regarding the CAA, just for its survival, he added.

Hubballi-Vijayapur intercity train soon: Angadi



Basavaraj Horatti, Suresh Angadi, Jagadish Shettar, Prahlad Joshi, Basanagouda Patil Yarnal and others during the official dedication of the HBB at Desai Cross in Hubballi on Tuesday.

PHOTO

Assures to run Hubballi-Varanasi train daily

gature would be inaugurated in March, and it would reduce the congestion at Erandolera Sutgalli Rayanna railway station there.

Doubling, electrification
Angadi said, doubling of railway lines is the priority of the Union Government. All lines would be doubled and electrified by 2022, and it would save Rs 1,300 crore being spent on diesel, he noted.

Doubling work of Pune-Ben-galuru line is going on. Speed of trains has to be increased, and the plan is to make Hubballi-Bengaluru journey duration less than five hours, he said.

Rs 50 lakh crore would be invested to improve the railway infrastructure in the country, in next five years. New works are not being announced, as all pending projects have to be completed first, Angadi added.

HUBBALLI, 29: Union Minister of State for Railways Suresh Angadi assured that an intercity train between Hubballi and Vijayapur would be introduced after the Union Budget, which Hubballi-Varanasi train would also be made a daily train soon.

"Early train between Hubballi and Varanasi will be run after getting the approval from the Railway Board. It will be run via Belagani on four days a week and via Vijayapur on three days," he said.

He was speaking on the occasion of official dedication of the road-over-bridge at Desai Cross (Rs 14.6 crore), and bhumi puja for the construction of Deshpande Nagar-Bhavani Nagar underpass across the railway line (Rs 3.15 crore), here on Tuesday.

He stated that Rayappa-halli railway station in Ben-

gion for construction of huge buildings on small sites

Hubballi-Ankola line
Large & Medium Scale Industries Minister Jagadish Shettar stated that he has urged Chief Minister B S Yediyurappa to call a meeting of the State Welfare Board, for which the chief minister is the Chairman, and the permission from the board is required to implement Hubballi-Ankola railway line project.

Yediyurappa has also agreed to prepare Detailed Project Report (DPR) for the development of Belkoti port, on behalf of the State Government, he said.

Officials are asked to take steps to acquire land for widening service roads of the HBB to Desai Cross. The process to develop two underpasses across the railway line between Ukal and Amargul should also be speeded up, Shettar added.

MLCs Basavaraj Horatti Praleep Shettar, M A Basanagouda Patil Yarnal, South Western Railway (SWR) general manager A K Singh

divisional railway manager Aravind Malleshde, and others were present.

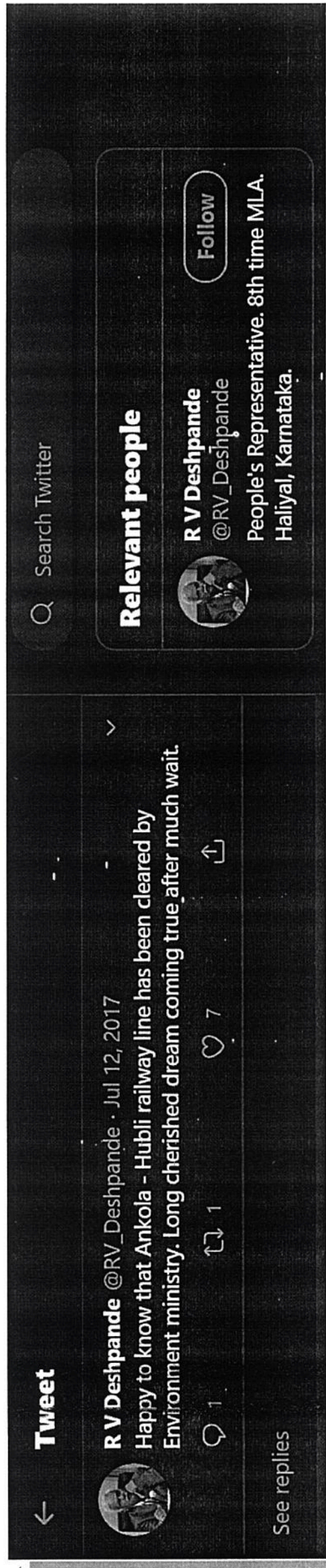
For less imports
Union Parliamentary Affairs Minister Prahlad Joshi stated that major changes would take place in the energy sector, to reduce the imports of petroleum products.

Though we have 235 million tons of coal resources, coal is being imported, for which Rs 1.7 lakh crore is spent. To reduce the imports, coal and mining sectors are opened up, and global tender would be called next month, for coal gasification, which would improve the energy scenario, he said.

A strategy is being prepared to increase solar power generation in the country from existing 175 GW to 400 GW in 2024-25, he noted. Joshi also stressed the need to increase the number of platforms at Hubballi railway station, and not to give permis-

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[ANNEXURE-15]



ENVIRONMENTAL IMPACTS

DUE TO THE PROPOSED HUBLI-ANKOLA RAILWAY LINE

The proposed Hubli-Ankola railway line project joins the town of Hubli in Dharwad district with the coastal town of Ankola in Uttara Kannada district. Hubli is about 637m above MSL and Ankola is about 18.7m above MSL. The proposed alignment has to traverse the Western Ghats, a continuous range of hills having peak of elevation ranging from 10m to 250m above GL, in order to negotiate this height. The proposed line partly is in the Ghat section and partly in plateau section. A rough estimate of breakup of length between ghat section and partly in plateau section is -

- Plateau region: - From 0 km to 76 km and 136 km to 168 km; length = 108 kms
- Ghat region:- From 76 km to 136 km; length = 60 kms.
- Forest region:- From 42.0 km to 16.4 km, excluding plateau and revenue lands; length = 112 km.

The proposed alignment passes through the Western Ghats forests and the region is part of **Bedthi conservation reserve** (at Yellapur), closer to **Dandeli Hornbill Conservation reserve** and located in the buffer region of **Anshi Dandeli Tiger Reserve** (is about 6.5 km from Anshi Dandeli Tiger reserve). The entire region of the section receives copious rainfall under the South West monsoon during the months of June and September. Rainfall under the North West monsoon also occurs between October and December in the eastern slope of the Western Ghats. The climate in the region is generally moderate with short spell of hot summer. The general type of soil met with in plateau region is of Red soil with laterite. Arecanut and Cashew nut are main crops in the section. Paddy is also grown in some areas of this plateau region. The higher range of Ghat section is full of dense mixed jungle and there is no planned cultivation in the forest area.

Bedthi Conservation Reserve (Government of Karnataka, 2011): As per Section 36A of The Wild Life (Protection) Amendment Act, 2002, the State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora

and fauna and their habitat. In the Uttara Kannada district, three forest blocks which form critical links in the matrix of habitats linking protected areas in the north of the district to ones in the south, facilitating the movement of tiger and other threatened species, were **declared as Conservation Reserves by the Karnataka Forest Department**, Government of Karnataka in 2011. These sites are Aghanashini Conservation Reserve (15,000 hectares), Bedthi Conservation Reserve (6,500 hectares) and Dandeli Hornbill Conservation Reserve (6,200 hectares). The Bedthi River Conservation Reserve includes Tengina mudi and Bili halla Valley areas. Bili halla is a tributary of Bedthi river which is rich in biodiversity and is one of the less studied forests of Uttara Kannada. This region has rare and endemic palm species – Talipot Palm (*Corypha umbraculifera*). This forest connects to the forests of Magod and Bedthi valley.

Dandeli Hornbill Conservation reserve (Government of Karnataka, 2011): The forests of Dandeli serve as a very important habitat for four different types of hornbills – Common Grey Hornbill (*Tockus birostris*), Malabar Grey Hornbill (*Tockus griseus*), Malabar Pied Hornbill (*Anthracoseros coronatus*) and Great Pied Hornbill (*Buceros bicornis*). Of all the four Malabar Pied Hornbill is found in good number in the vicinity of Dandeli. Hence, it is very essential to protect these natural habitats for proper survival of these hornbills whose population might dwindle very fast if due care is not taken. Hence, the Dandeli Conservation Reserve will help in providing adequate protection to these species along with the involvement of local community and will also help in disseminating information regarding hornbills and their habitats.

Anshi Dandeli Tiger Reserve (ADTR): Dandeli Wildlife Sanctuary (DWS) and Anshi National Park (ANP), encompassing 475.02sq.km and 339.87sq.km respectively, were declared as Anshi Dandeli Tiger Reserve (ADTR) on 4th January 2007 (Vide GO No. FEE 254 FWL 2006) with total area of 814.89sq.km. This region falls in the Western Ghats Protected Area Network. DATR is located in Uttara Kannada district of Karnataka state between 14.9564°-15.33227°N latitude and 74.2521°-74.7196°E longitude. In 1956, DWS was declared as a game sanctuary covering an area of 127.71sq.km. In 1975, the area was declared as a wildlife sanctuary and it was expanded to 5,729.07sq.km. In 1987, the wildlife sanctuary was divided into two protected areas: ANP and DWS, reducing the area of DWS to 834.157sq.km. In 1994, DWS was reduced again to 475.02sq.km. The present DATR boundary is based on Govt. of Karnataka order in 1998 (Figure 1). For more detailed account please refer Tiger Conservation Plan (2008-2018). DATR forms major catchment area for River Kali with tributaries like Nagazhari and Kaneri.

Environmental Impacts of the proposed project

The proposed project is likely to induce changes both positive and negative, in the eco-system and life of the community. Though this rail link is likely to accelerate urbanization affecting both the physical and human environment in terms of productivity of land, settlements, and socio-economic and cultural characteristics, this will mostly be limited to the plateau section in Kalghatgi, Yellapur and Ankola regions.

In this report the direct, indirect and cumulative environmental and social impacts expected from the project were studied as under:

- Biotic components (flora and fauna)
- Animal movement paths
- Humans (rehabilitation, human-wildlife conflicts, etc.)
- Land use/ Land cover of the region
- drainage of streams
- Landslide susceptibility
- Impacts due to solid and liquid waste generated
- Impacts due to location of work force colonies in sensitive locations
- Impacts of tunneling on biotic and abiotic elements
- Economic feasibility of the project

The impact matrix pertaining to environmental Impact is given in Table 1 considering all phases of the project. Table 2 details the nature of positive and negative impacts of proposed Hubli-Ankola railway line project.

Table 1: Impact matrix for proposed Hubli-Ankola railway line project

Parameter	Negative Impact	No Impact	Positive Impact	Short Term	Long Term
A. Impacts due to Project Location.					
a) Changes in land use/land cover	●			●	●
b) Displacement of people				●	
c) Loss of trees/forests	●			●	●
d) Impact on wild fauna	●			●	●
e) Animal movement paths	●			●	●
f) Drainage problems	●			●	
g) Risks due to landslides, mudslides	●			●	●
h) Risk due to earthquakes		●			
i) Buffer region of Anshi-Dandeli tiger reserve	●			●	●
j) Bedthi Conservation reserve	●			●	●
k) Smuggling of timber and forest goods	●			●	●
l) Contamination of land and water	●			●	●
B. Impacts due to Project Construction					
a) Workforce colonies inside forests	●			●	●
b) Workforce colonies – without basic amenities (sanitation, fuel, education of children)	●			●	●
c) Human –animal conflicts, members of workforce trespassing into forests	●			●	●
d) Smuggling of forest goods, hunting of wild fauna	●			●	●
e) Pollution at construction sites	●			●	●
f) Soil removal (tunnels, etc.), erosion and sedimentation of streams and river, alterations in topography due to soil disposal	●			●	●
g) Soil disposal problem	●			●	
h) Problems due to geological faults		●			
i) Health risk and cultural hazards	●			●	
j) Loss of habitat of wild animals	●			●	
k) Blasting – impact on wild fauna	●			●	
l) Loss of carbon sequestration ability – removal of	●			●	●

tree vegetation					
C. Impacts due to Project Operation					
a) Impact of plastic waste on wild fauna	●			●	●
b) Solid wastes	●			●	●
c) Contamination of water due to liquid waste	●			●	●
d) Smuggling of forest goods	●			●	●
e) Animal movement and related accidents	●			●	●
f) Noise (impact on wild fauna)	●			●	●
g) Non-evacuation of workforce colonies	●			●	●
h) Cascaded developmental activities	●			●	●
i) Triggering landslides, mudslides	●			●	●
j) Oil pollution	●			●	●
k) Accident hazards	●			●	
l) Further fragmentation of forests - encroachments	●			●	●
m) Fog visibility	●			●	
n) Biodiversity loss	●			●	●
a) Economic viability in absence of large scale cargo movements	●			●	●
D. Positive Impacts					
b) Employment opportunities			●		●
c) Benefits to economy			●		●
d) Quick service and safety			●		●
e) Less fuel consumption- Reduction in Green House Gases emissions			●		●
f) Less air pollution compared to road transport			●		●
g) Avoiding widening of NH 63 to 4 lane			●		●
h) Mass transportation at Lower commuting expenses			●		●
i) Establishment of connectivity of West Coast with hinterland and consequent stoppage of other Railway projects in ecologically sensitive region (such as Sharavathi valley, habitat of Lion Tailed Mackerel in Talguppa-Honnava connectivity) and road widening projects			●		●

j) Port connectivity			•		•
k) Link to naval harbor and industrial areas			•		•
l) Easy movement of raw materials			•		•
m) Link to Vasco and Mangalore ports through Konkan railway			•		•
n) Movement of extra iron ore traffic from Bellekeri Hospet sector to either Mangalore or Goa port			•		•
o) Passenger connectivity to other parts of the country			•		•
p) Transport of coal/ccke imported through Murmagoa or Mangalore port to steel industries, and coal based thermal power stations at Bellary and Hospet			•		•

Table 2: Positive and negative impacts of the proposed project

BIOTIC		IMPACTS
Mammals	Humans	300 families likely to be displaced due to this project
	Elephant	The Kalghatgi and Kirwatti forest ranges form a vital link for the Bhagwati – Kalghatgi – Kirwatti – Mundgod – Katur – Hanagal elephant movement path since time immemorial
	Tiger	A small family of Tiger is reported to be residing in the Yellapur forests.
Birds		Some impact expected on about 70 species of birds including IWPA scheduled birds like Hornbills, Barbets, Babblers etc.
Reptiles		8 different species of reptiles will be affected including Red listed and Scheduled species like King Cobra, Reticulated python, etc.
Amphibians		33 species of amphibians of which 55% are endemics to the Western Ghats will be affected.
Flora		43 families, 106 genera and 134 species of trees, 58 families, 128 genera and 146 species of shrubs and 10 species of pteridophytes will be affected. Total number of trees to be cut down for this project is approx. 1.94 lakhs . Note: It is difficult to state that all will be affected – many

	may increase on opening up of canopy
ABIOTIC	
Rehabilitation / resettlement of human settlements	Rehabilitation and resettlement is a major issue which will affect nearly 300 families who will be displaced from their original habitats.
Land use changes	The railway project would aid is catalyst in drastic land cover changes (to the order of 16% removal of forests). For example, near proposed railway stations, many service centres would crop up gradually impinging on the forests.
Encroachment	Likely encroachments due to connectivity to the forest area surrounding the railway land which will have negative impact on flora and fauna.
Landslide	The Vajralli and Yellapur villages in Yellapur taluk are landslide prone areas in the presence of triggering factor such as high intensity rainfall.
Drainage problem	Improper soil conservation and management will lead to excavated soil getting into the streams causing sedimentation
IMPACTS DURING PROJECT CONSTRUCTION	
Movement of Heavy Vehicles	Widening of existing roads (of current 6 m width) and consecutive removal of trees
Construction of new roads	Construction of new roads has also been proposed near places like Ramanguli which will affect the biodiversity
Workforce colonies in forest area	Labourers straying into forests and encounter with wildlife leading to human-animal conflicts
	Removal of trees for firewood
	Higher instance of smuggling of forest goods
	Lack of sanitation would contaminate the land and water (Bedthi river)
Health risk and cultural hazards	Lack of proper sanitation and food facilities might lead to widespread disease problems. Migration of labourers from one place to another might lead to cultural conflicts.
Soil disposal	Large quantity of excavated rock and soil dumping would alter the drainage pattern, leading to silt

	transportation in the catchment and hence, sedimentation in Bedthi river. This would affect the benthic organisms.
Tunneling in undulating terrain	Blasting would affect the fauna
	Temporary storage of soil and rock of the tunnel excavations would lead to removal of ground flora and trees
	During monsoon, soil gets eroded to nearby streams
	Lack of appropriate arrangement with the contractors might lead to illegal transportation of natural resources including rock and soil to other localities
	Tunneling might induce landslides due to movement of heavy machinery and high intensity blasting
Removal of trees during construction	Loss of habitat for endemic species of fauna such as Malabar Pied Hornbill, etc.
	Removal of trees during the breeding time of endemic species might have adverse impacts on them
IMPACTS DURING OPERATION PHASE OF PROJECT	
Illegal forest activities	Smuggling of forest goods and violation of Biodiversity Act, 2002
Impacts due to movement of trains	Landslide and stoppage of movement of trains in undulating terrain due to triggering factors such as high intensity rainfall
Solid and liquid waste management	Maintenance of locomotives at workshops, cleaning of compartments, platforms, and yards will generate waste water and solid waste which require proper disposal.
Impacts due to train movement	Vibration due to train movements might induce mud slides during monsoon in locations like Vajralli and Yellapur
Blockage of animal movement path	The proposed alignment passes through age-old traditional elephant movement paths in Kalghatgi and Kirwatti ranges which will disrupt their movements. If the recommended measures are not employed, it may lead to animal deaths due to train hits as well as give rise to human-animal conflicts in surrounding areas.
Failure to evacuate work force colonies after completion of work	This would lead to the large scale land cover changes leading to deforestation in the region

Fog visibility	visibility problems dur to seasonal heavy fogs may lead to hits on wild animals and domestic cattle
Economic viability in post mining ban scenario	675 rakes are required to carry 27 MT (million tons) of freight per annum. Iron ore was the major commodity transported to the coast. In the scenario of mining ban, or slow down these rakes will be affected, causing heavy losses.
POSITIVE IMPACTS	
Reduction in Green House Gases emissions	Compared to truck movement, goods train save 65% of fuel annually and hence, reduce the GHG emissions.
Employment Opportunities	Various employment opportunities will be generated for a large mass of local people during the construction and operation phases of the project.
Economical Travel Opportunity	As compared to the road transport, train will provide a more economical means of transportation to local people.
Port connectivity	Connection to Karwar, Tadri Belekeri and Mangalore ports
Link to naval harbor and industrial areas	Vital link to connect east and west coast
Easy movement of raw materials	Movement of materials, equipments and work force of various projects like Project Seabird, Kaiga Nuclear Power plant, etc. and nearly 10,000 small and medium industrial units of Uttara Kannada with consumer markets in Hubli and other Deccan towns
Link to Vasco and Mangalore ports through Konkan railway	Transport of imported coal/coke from Murmagoa and Mangalore ports to steel industries, coal based thermal power plants (Bellary, Hospet, etc.). Transport of imported timber and oil and gas from Mangalore port and MRPL, Mangalore
Passenger connectivity to other parts of the country	Betterconnectivity for the people of densely populated west coast with, Deccan region, central, north and north-east India.

Impacts of the proposed project on Western Ghats Biodiversity

Biodiversity or Biological Diversity refers to the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species, and of

ecosystems (Hamilton, 2005). Biodiversity through time and space has provided the panorama of the genesis and diversification of various life forms, their interdependence, and link between life and life support systems, triggering a holistic approach to knowledge-building focused on various aspects of human affairs (Ramachandra *et al*, 2010). However, extensive anthropogenic interventions in the natural ecosystems in recent times have been resulting in loss of biodiversity. The most important threat to the tropical forest biodiversity is habitat loss, particularly the loss of natural forest cover. Most of the developmental activities, when carried out in inappropriate and unsustainable fashion, lead to significant degradation in the original ecosystem of a particular region which affects the species composition and its ecology.

The proposed Hubli-Ankola railway line passes through different types of forests including evergreen, semi-evergreen, moist deciduous and dry deciduous. The total forest area to be utilized amounts to 727 ha with a total of approximately 1,94,828 trees would be removed from their natural habitat. The overall floristic diversity in Hubli-Ankola railway zone constitutes of 43 families, 106 genera and 134 species of trees and 58 families, 128 genera and 146 species of woody ground flora of shrubs and regenerating tree stocks. Besides this, 10 species of pteridophytes belonging to 9 families and 9 genera are also enumerated in the Ghat section.

The Western Ghats stretch from Yellapur to Sunksal is rich in floral diversity, endemism and evergreenness with a high tree density and basal area. The natural forests in this region are of evergreen to semi-evergreen types characterized by several endemic tree species such as *Myristica malabarica*, *Polyalthia fragrans*, *Cinnamomum macrocarpum*, *Holigarna grahami*, *H. arnottiana*, *Hopea ponga* etc. Many trees in this region also harbor a rich flora of epiphytes (orchids) including endemic species such as *Aerides crispa*, *Cleisostoma tenuifolium*, *Oberonia brunoniana*, *Porpax jerdoniana*, etc. The ecological condition of this region supports a rich ground flora which involves a good number of endemic and medicinal herbs.

Unplanned developmental activities in the region will diminish the biodiversity (most importantly the endemic and endangered species), hydrology and ecology of the region. The destruction of forests and cutting down of trees on large scale will alter the species composition of the region and alter the overall ecological and hydrological regimes of the existing biomes. The sector-wise details of trees (botanical name, local name, girth class distribution, enumerated by the Karnataka Forest Department), that gets affected due to the project in **Kalghatgi-Hulginkoppa** region are listed in Table 3, **Siddhanabhavi** region in Table 4 and **Karagooda region** in Table 5. Tree details chainage (kilometer-wise), girthclasswise are given in Tables 6 to 55. Sectorwise numbers of trees are listed Table 56.

Table 3: Details of trees in sector-3 (Kalghatgi-Huiginkoppa)

Sl. No.	Name of the species		Girth in centimeters											Total
	Botanical Name.	Local name	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90	90-100	Above 100		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
1	<i>Dalbergia latifolia</i>	Sissum	0	0	4	3	5	3	5	2	2	7	31	
2	<i>Anogeissus latifolia</i>	Dindal	1	4	40	98	77	51	27	15	3	3	319	
3	<i>Tectona grandis</i>	Teak	0	1	7	47	87	67	60	29	23	30	351	
4	<i>Terminalia tomentosa</i>	Matti	0	1	2	2	9	23	21	23	19	29	129	
5	<i>Lagerstroemia lanceolata</i>	Nandi	0	0	0	0	1	2	5	5	2	3	18	
6	<i>Odina wodier</i>	Gojjal	0	0	1	3	3	0	3	2	1	5	18	
7	<i>Adina cardifolia</i>	Heddi	0	0	2	3	3	2	0	6	8	13	37	
8	<i>Terminalia paniculata</i>	Kindal	0	3	6	16	23	13	14	6	1	3	85	
	TOTAL		1	9	62	172	208	161	135	88	59	93	988	

Table 4: Details of trees in sector-4 (Siddhanabhavi region)

Report Part-V

Recommendation filled by SBWL/State Govt.(Part-V)

A. Recommendation by SBWL

1. Proposal No.: FP/KA/RAIL/19023/2016

2. Proposal Name: New BG Railway Line between Hubli to Ankola

3. Agency Name: DEPUTY CHIEF ENGINEER

4. Category: Railway

5. Nature of project: Linear

6. Total Project Area(in ha.): 595.64

7. State: Karnataka

8. Do you Recommend the project: Recommended

9. Upload minutes of meeting: No Data

10. Date of meeting: 27 Dec 2017

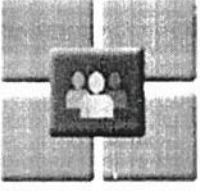
11. Remark (if any): Recommended by Honble Chiefminister and Chairmain SBWL in anticipation of getting the same approved in the next SBWL meeting

B. Recommendation by State Secretary

1. Do you recommend the project?: Recommended

2. Remark (if any): Recommended by Honble Chiefminister and Chairmain SBWL in anticipation of getting the same approved in the next SBWL meeting

[Print page](#)



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To

The Chairperson and Members of the
Standing Committee of National Board for Wildlife
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi- 110003

Date: 21-05-2020

Respected Members,

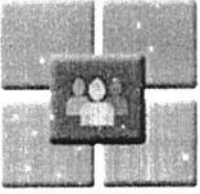
Sub: Urgent request to reject the recommendation of the Chairperson of the Karnataka SBWL on Hubli-Ankola railway line project (HARP)

Ref: 1. Minutes of the 13th meeting of Karnataka SBWL held on 9-03-2020

2. Minutes of the 14th meeting of Karnataka SBWL held on 20-03-2020

This representation letter is an earnest attempt to bring to your notice the illegalities that has conspired in the 20th March, 2020 meeting of the Karnataka's State Board for Wildlife where the Chairperson has recommended wildlife clearance for the construction of new broad gauge Hubli-Ankola Railway line project ignoring objections of the majority Karnataka-SBWL members. Such decision of the Chairperson is devoid of any reasons and is entirely based on pro-project lobbying of three of his cabinet colleagues who had no business of attending the 20th march, 2020 meeting in the first place.

The project was discussed by this Committee of the NBWL during its 48th meeting held on 27th March, 2018 whereby this committee noted that the NTCA has rejected the project based on their wildlife appraisal of the project site. Thereafter, this committee constituted another site appraisal committee consisting of representatives from Wildlife Institute of India (WII), NTCA and one representative from



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Wildlife Division of MoEF& CC to inspect the site and submit a report. The committee thus constituted also rejected the proposal based on their site appraisal and the ecological value of the project area.

This committee in its 50th meeting dated 7th September, 2018 returned the wildlife clearance proposal back to the State as the same was sent to this committee without obtaining prior recommendation of the Karnataka- SBWL. The wildlife clearance proposal was forwarded to this committee of NBWL by the Government of Karnataka only with the approval of the Chief Minister/ Chairperson of the Board mentioning that the recommendation of the board would be obtained on a subsequent date. This Standing Committee additionally noted that the site appraisal committee constituted in the 48th meeting has also rejected the project based on their site appraisal conducted on 6.08.2018.

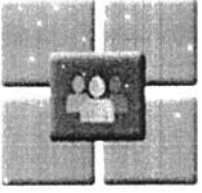
Thereafter, the Karnataka-SBWL considered the wildlife clearance proposal during their 11th, 12th and 13th meeting where by the Board unanimously decided to reject the proposal, including the Chief Minister/ chairperson of the Board and the Minister for Environment, Ecology & Forest Department, Government of Karnataka rejected the proposal.

However, a special meeting on 20th March, 2020 was conducted only to discuss this railway project by inviting the Chief Secretary of the State, member of legislative assembly in violation of the provisions of the Karnataka State Board for Wildlife Rules, 2006 and the chairman recommended the project ignoring the objections of the majority of the Karnataka-SBWL members.

Such decision of the Chairperson is filed with procedural impropriety. The legal and ecological concerns related to such recommendation are as follows:

A. The conduct and decision of the Chairperson in Karnataka-SBWL's 20th March, 2020 meeting is in complete violation of the provisions of the Karnataka State Board for Wildlife Rules, 2006

1. The agenda and the notice for the 14th meeting of the SBWL held on 20th March, 2020 was circulated only three days prior to the meeting i.e on 17th March, 2020. Such short notice of just 3 days is



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in violation of Rule 4 (2) of the Karnataka State Board for Wildlife Rules, 2006, which mandates circulation of the agenda and notice of the meeting to all the members of the Board at least 15 days prior to the date of such meeting.

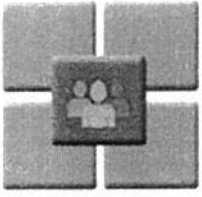
2. Further, Rule 9 of the Karnataka State Board for Wildlife Rules, 2006 specifically allows the Chairperson of the Board to invite only those person or persons who have experience in Wildlife conservation to attend the meeting of the State Board. But in complete violation of Rule 9, the Chairperson invited, Shri Jagadish Shettar (Minister of Large and Medium Scale Industries), Shri Shivaram Hebbar (Minister of Labour and Minister of Sugar), Shri R.V Deshpande (MLA and former Minister for large and Medium Scale Industries) and the Chief Secretary of the State of Karnataka, all of whom have no experience in wildlife conservation and no credentials to be special invitees in the meeting of State's highest wildlife related decision making Body.

3. It is imperative to point out that Shri Jagadish Shettar (Minister of Large and Medium Scale Industries), has been publicly denouncing his vested interest in getting the railway project approved by the Karnataka- SBWL. He is simply making such comments for his electoral gain in Hubballi-Dharwad region. Thus, his presence in the meeting of the State's highest Wildlife decision making Board is prejudicial, raises conflict of Interest and is detrimental for the interest of environment and wildlife of the State of Karnataka. The Deccan Herald newspaper published and circulated on 29th January, 2020 records his keen interest of getting the proposed railway project cleared by the Chief Minister/ Chairperson in the meeting of the SBWL.

B. The Chairperson has failed to record any reason to substantiate his change of heart

4. The Chairperson in the 20th March, 2020 meeting has failed to record any reasons as to why he chose to overturn his earlier decision taken during the 9th March, 2020 meeting of rejecting the proposal for wildlife clearance based on unanimous decision of the Board. The decision of the Chairperson is devoid of any application of mind towards the ecological ramification of the project. The NGT¹ in **Bimal**

¹ Bimal Gogoi & Anr vs. State of Arunachal Pradesh & Ors (Appeal 30/2015/EZ) vide order dated 24.10.2017



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Gogoi v. State of Arunachal has previously struck down similar decision taken by the Chairperson of the Standing Committee of NBWL against the majority expert opinion of the members without recording any reasons.

5. The only reason for such a U-turn taken by the Chairperson is under the influence and lobbying of pro-project arguments forwarded by his three powerful cabinet colleagues who have no experience in wildlife conservation. The pro-project arguments forwarded by such invitees can be summed up as: the development of this railway line will lead to holistic development of the area; Development of infrastructure project will bring development in the region; IISc has submitted feasibility report with mitigation measures for wildlife; Reduce travel time to Ankola; Central Government to bear the entire cost of the project; double the forest area can be used for afforestation; foundation stone was laid by former Prime Minister, Shri Atal Bihari Vajpayee

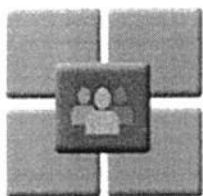
C. The reasoned opinion of the experts for rejecting the proposed railway line vis-à-vis the arguments forwarded by cabinet colleagues of the Chairperson are as following:

6. **No economic viability:** The majority board members rejected the proposed project for being economically unviable. The same observation is reiterated in the August, 2018 report of the committee of NBWL. The committee in their report has stated that the development of the region from the railway line is not backed by any quantitative data or analysis. The Hubballi-Dharwad region has been witnessing rapid urbanisation and economic development² even in the absence of the proposed railway line. Per capita income for norther Karnataka has been increased from Rs 9,250 in 1990-91 to Rs 21,236 in 2007-08³. The same facts were brought on record by the expert members of the Karnataka-SBWL. Therefore, the justification for implementing the project forwarded by the cabinet colleagues of the Chairperson is ill perceived.

7. **There appears to be no justification for the project:** It is not the case that Hubli-Ankola railway line will serve as the only connectivity link in the area, there are exiting alternatives available. An

² Department of Planning, Programme Monitoring and Statistics, GoK, 2016

³ Shiddalingaswami & Raghavendra 2010



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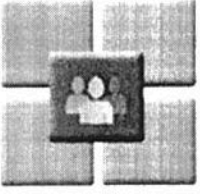
alternate route (Tinnaighata-Castle rock-Caranzole) to Ankola is already available which increases the travel time to Ankola merely by an hour and half. The same line has been approved for doubling by the SBWL in their 13th meeting held on 9.03.2020. The Belikere port near Karwar was closed after the Hon'ble Supreme Court imposed ban on mining in the region, there has been drastic reduction in the production of iron ore and there is hardly any ore transported in the last few years. The proposed line may not even get iron ore cargo in an amount as initially envisaged. Asian Development Bank funded road (NH-63) is constructed parallel to the railway line and is grossly under-utilised. The same road is also expanded hence, there arises no infrastructure crisis for transportation of ore.

8. **Development of liner infrastructure project in the region will further fragment the forest:** It is reiterated from the August, 2018 report of the committee of the NBWL, the disadvantage of multimodal transport corridors [alignment of two or more forms of transport infrastructures (road and rail as in case of Hubballi – Ankola BG track) along the same corridor (in close proximity)] is that they can strengthen the barrier effect to some species. There is documented evidence of combined alignments acting as a significant barrier, fragmenting mountain habitats and isolating reindeer populations in Norway. Fragmentation of western Ghats ecologically sensitive forests will wreak havoc in the region by accelerating flooding and landslides. Karnataka has witnessed similar incidents in the recent past in Kodagu and Charamadi Ghat in Chikmangalur due to destruction of Western Ghats forests.

9. **IISc study has no relevance:** The study conducted by IISc, Bangalore holds no relevance as the study was commissioned by Infrastructure Development Department (IDD) back in 2011. The Supreme Court⁴ has strongly condemned consideration of EIA study conducted at the behest of project proponent by non-sanctioned agencies. Further the study holds no relevance as the same was critiqued and dismissed by the CEC in their 2015 detailed report submitted to the Hon'ble Supreme Court. Moreover, the genesis of the present wildlife clearance proposal is from the liberty granted by the NGT⁵ in 2016 to the user agency to apply for fresh forest diversion, thus, a study conducted and rejected prior to the

⁴ T.N Godavarman Thirumulpad vs Union of India (I.A 2750-2752 in WP (C) 202/1995

⁵ T.N. Godavarman Thirumulpad Vs. Union of India & Ors. M.A. No. 1168 of 2015 (I.A. No. 3897 of 2015) In W.P. (C) No. 202 of 1995, order dated 10-02-2016



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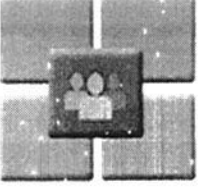
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submission of the wildlife clearance proposal is null and void. Since then wildlife appraisals have been conducted by two authorities/ committee, one by NTCA and another by the committee of the NBWL, both of whom have recommended rejection of the project based on their detailed site appraisal. Also, IISc study was conducted without consulting the Forest Department and the Chief Wildlife Warden with no wildlife experts on board.

10. **The decision is devoid of any ecological consideration of the project area:** NTCA and the committee of the NBWL has observed that the proposed railway line will lead to irreversible damage to the Tiger and Elephant Corridors in the Western Ghats landscape. The proposed railway line cuts across the optimal corridor and its total length inside the corridor is approximately 17.6 km. The location where the proposed railway line cuts across the tiger corridor has also been identified as potential bottleneck area having weak links within the least cost pathway corridor. Considering the fact that the proposed railway line not only cuts the delineated corridor but also falls in the critical bottleneck area. The proposed line has high probability of disrupting the habitat connectivity between Kali Tiger Reserve and Bhadra Tiger Reserve.

11. The site inspection committee of the NBWL observed in their report that the proposed alignment passes through the "Western Ghats forests and the region is part of Bedthi conservation reserve, closer to Dandeli Hornbill Conservation reserve and located in the buffer region of Anshi-Dandeli Tiger reserve (line is about 6.5 km from Anshi-Dandeli Tiger reserve); the forests of the railway zone are rich in fauna, majority of mammals belong to IUCN Red List and most of them are protected under Wildlife (Protection) Act, 1972; project region is Tiger/Elephant corridor; the rate at which the forests of Uttara Kannada district are either converted or encroached upon for non-forestry purposes at an alarming rate of 13% per 30 years; Western Ghats landscape has the potential to have contiguous tiger occupancy from Dang forests in Gujarat to the Palakkad gap in Kerala; proposed railway line cuts across the optimal tiger corridor and its total length inside the corridor is approx. 17.6 km; Dharwad, Haliyal, Belagavi forest division are regularly witnessing wildlife deaths due to train hits; ecological value of the CA areas will not be at par with that of the natural forests which will be lost due to the project"

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12. That, under section 38 (O) (1) (g) of the Wildlife (Protection) Act, 1972, tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not to be diverted for ecologically unsustainable uses without the approval of NBWL on the advice of the NTCA. It is submitted that NTCA has already conducted a site appraisal and evaluated the proposed diversion area vis-à-vis tiger distribution, its dispersal and feasibility of the project. The NTCA based on such appraisal has recommended rejecting the project as the implementation of the project will have '*significant negative impact on long-term conservation of tigers and other mega herbivore in the Western Ghats landscape by fragmenting existing habitat connectivity and contiguity*'.

Thus, under the Wildlife (Protection) Act, 1972, NTCA has been granted the veto power of rejecting an ecologically unsustainable project in areas linking tiger reserves. In the present case the NTCA has caused site appraisal twice, once independently and once being part of the committee constituted by NBWL. NTCA has univocally recommended rejecting the project twice. There is no scope for sentiments such as who laid the foundation stone for an ecologically disastrous project when such project located in Western Ghats, a UNESCO World Heritage Site is rejected by the specialized wildlife scientist of the Ministry of Environment, Forest and Climate Change (MoEF & CC). In view of the above facts and detailed submissions, we urge you to sincerely review and reject the recommendation of the Chairperson of the Karnataka SBWL.

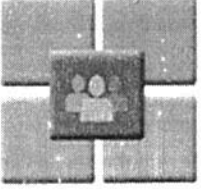
Sincerely,

Vijay Nishant


FOR PROJECT VRUKSHA FOUNDATION
(President)

Project Vruksha Foundation
President

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To

The Chairman & Members of the

Standing Committee for National Board for Wildlife

Ministry of Environment, Forest and Climate Change (MoEF & CC)

Indira Paryavaran Bhawan

Jor Bagh Road, New Delhi- 110003

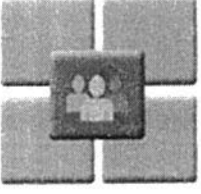
Respected Members,

Sub: Submission on the recommendation of the Chief Minister/ Chairperson of Karnataka State Board for Wildlife to grant Wildlife Clearance to the Hubli-Ankola Railway line project (HARP)

Ref: (1) Minutes of Standing Committee-NBWL 50th meeting dated 1.09.2018

(2) Minutes of REC, Bangalore 20th meeting held on 29.08.2018

This submission is aimed to bring on record the discrepancies that has occurred since 2016 while processing the Forest and Wildlife Clearance proposal for Hubli-Ankola Railway line project (HARP). The HARP has been a highly contentious project for the past 22 years. The project ignited, not only the public outrage but also gathered media attention owing to its location in a biodiversity hotspot, ESZ/ Buffer Zone of the Kali Tiger Reserve. HARP if implemented will not only spell the death of 595.64 ha of pristine forests of the Western Ghats but will for sure critically endanger the 17.6 km of the Tiger corridor identified by the NTCA & the committee constituted by the Stand. Comm. For NBWL. In addition, this entire stretch of rail line also serve as a critical corridor for the endangered Asian Elephants and Tigers including other Schedule-1 animals. The MoEF & CC in the 13th Conference of Parties (COP) of the 'Convention on the Conservation of Migratory Species of Wild Animals' Asiatic Elephant was identified as a species threatened due to its habitat destruction.



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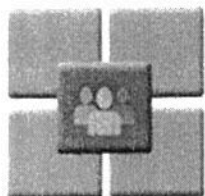
Amidst such a background the Chief Minister/ Chairperson of Karnataka-SBWL recommended the project on 20th March, 2020 for wildlife clearance, overturning his own earlier decision of 9th March, 2020 rejecting it. This decision of the Chairperson was solely based on the prejudicial lobbying by his two very powerful cabinet colleagues and a former influential Cabinet Minister from the Project District. The very presence of the three powerful politicians and the Chief Secretary in the 20th March meeting as special invitees must have weighed in on the mind of the Chairperson to have taken this unfortunate decision of recommending the ecologically disastrous HARP. Also, this decision of recommendation has come with complete disregard towards the sound scientific objections of the majority Board members across all meetings of the Board.

The Project was conceived in the year 1998, since then Forest Diversion Proposal for the use of forest land for the project has been submitted 4 times (965 ha in 2003, 727 ha in 2005, 667 ha in 2011 and 595.64 ha in 2016) in the last 22 years. This project has been rejected on all comprehensive points based on the critical site investigations and wildlife appraisal by the Authorities such as the Karnataka Forest Department, Regional Office of MoEF &CC at Bangalore thereafter, culminated in its total rejection by the Forest Advisory Committee (FAC) of MoEF in May, 2004. Parallely, an Application No. 952 of 2006¹ was filed before the Central Empowered Committee (CEC) of the Hon'ble Supreme Court against this ecologically disastrous project. The CEC after adjudicating on it for over a decade, submitted its final detailed report in 2015 to the Hon'ble Supreme Court requesting the court to direct MoEF for complete rejection with no scope for further re-consideration.

However, Hon'ble Supreme Court in their wisdom transferred the case² to the Hon'ble National Green Tribunal (NGT). Thereafter, the Hon'ble NGT in its order dated 10.02.2016, without going into the merits of the case disposed of the petition granting liberty to the user agency (Railways) to submit a fresh Forest Diversion Proposal.

¹ Parisara Samrakshana Kendra and Wilderness Club

² T.N Godavarman Thirumalpad vs. Union of India & Ors [M.A. No. 1168 of 2015 (I.A. No. 3897 of 2015) W.P. (C) No. 202 of 1995]



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Therefore, the user agency after getting a fresh lease of life from the order of the NGT, submitted a fresh Forest Diversion Proposal for diversion of 595.64 ha of forest land on 23.04.2016, contending that they have significantly reduced the area for forest diversion. [Refer NGT order dated 10.02.2016]

Irregularities in the processing of Forest Diversion Proposal and Wildlife Clearance Proposal:

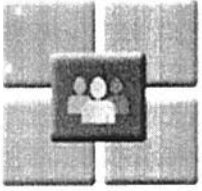
The User Agency submitted a Forest Diversion Proposal on 23.04.2016 and submitted a Wildlife Clearance proposal on 17.06.2016 in the website of MoEF "PARIVESH" respectively, both proposals were numbered as. FP/KA/RAIL/19023/2016.

A. Irregularities in processing of the Forest Diversion Proposal:

1. The manner in which the Forest Diversion Proposal (FDP) for HARP was processed, raises serious questions and deserves a critical analysis. The Karnataka Forest Department processed and recommended the Forest Diversion proposal with complete disregard to the 18-year-old history of this proposal and treated it as if, this proposal is a de novo one.

The HAPR has been rejected and shelved after critical analysis from 360-degree angle by the PCCF (HoFF) in 2002, MoEF & CC in 2004 and by the CEC in 2015. Despite rejection by the Authorities, this proposal culminated in the NGT order dated 10.06.2016 giving it a fresh lease on life without conducting any merit review of the project. The NGT merely allowed the Railways to exercise their 'legal right' to apply for forest diversion under Section 2 of the Forest (Conservation) Act, 1980. Further, the NGT did never refrain the Karnataka Forest Department from applying its mind judiciously, keeping in view all the past developments associated with the project since 1998.

2. It is imperative to highlight, the blissful ignorance of the Nodal Officer's/ PCCF (HoFF) towards the outcome of the proceedings before the Central Empowered Committee of the Hon'ble Supreme Court of India and the National Green Tribunal. The ignorance is astounding because in both those litigations, State Forest Department were party respondents and were very much represented by the



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Government advocates and has also filed various affidavits during the course of such litigation before the CEC and NGT.

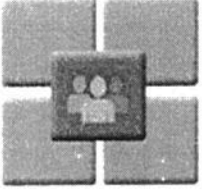
3. The manner and conduct of the DCF's, CCF's, the Nodal Officer and the PCCF (HoFF) in the processing and recommendation without any reference to the previous rejections by the PCCF (HoFF) himself in 2002, MoEF & CC in 2004 and by the CEC in 2015, raises serious questions on various fronts. It is also imperative to point out a hard fact that this proposal was processed in such a great hurry that entire process was completed in the period between June, 2016 to July, 2016. It is a common knowledge that in a biodiversity hotspot region of the Western Ghats where the project is proposed, the months of June and July receives the highest amount of rainfall. Both the Nodal Officer & PCCF (HoFF) never considered it appropriate to inspect the project site even once before recommending this highly contentious proposal for forest diversion. [Refer Part II, III, IV, V of the FDP]

4. This project was rejected on all comprehensive grounds by the PCCF (HoFF) in 2002 [Refer letter dated November, 2002] when the issue of climate change wasn't receiving attention in any scientific planners, policy makers, foresters and wildlife biologists. Therefore, the recommendation by the PCCF (HoFF) in 2016 at a time of climatic related change crisis without considering the ecological value of the project area is even more astounding. The accelerated frequency of climatic disasters is increasing on a year to year basis and the very fact that the name of the Ministry itself being changed from MoEF to MoEF & CC is something to retrospect upon.

B. Processing of the Wildlife clearance Proposal:

5. The Wildlife Clearance proposal was submitted by the User Agency on 17.06.2016 in the web-portal of MoEF. But for curious reasons, the proposal was never pursued for Wildlife clearance with the concerned DCF's and the CWLW until August, 2017.

6. The Regional Office, MoEF &CC, Bangalore while processing this very contentious project, realising its location in the Western Ghats biodiversity rich region constituted a committee for critical



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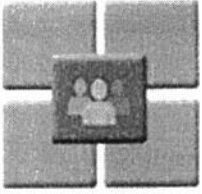
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appraisal of the project area. The Committee after thorough field appraisal submitted their report. The report brings on record the need for conducting an EIA as the number of trees to be felled are very high. the fact that the project area lies between Kali and Gangavalli (Bedthi) river which supports the existing and spill over wildlife population of Dandeli Wildlife Sanctuary and Kali Tiger Reserve. The critical points raised by the committee were referred to the State. The State in their reply did admit the fact that the, proposed alignment passes through the default eco-sensitive zone of 10kms of Kali Tiger Reserve covering the critical stretches of the proposed railway line. The committee also observed that if the user agency is serious about implementation of the project, they should go for tunnelling right from Kalghatgi to Navalgadde village of Ankola Forest Range.

7. There was no discussion on the Wildlife clearance Proposal or the Wildlife of the area until the site inspection Committee submitted its report. Regional Empowered Committee, MoEF &CC during their meeting held on 29.08.2017 for the very first time pointed out the fact that the user agency needs the recommendation of the Standing Committee of National Board for Wildlife. Thereafter, REC was informed by the State that user agency has already applied for wildlife clearance in the web portal of MoEF & CC.

8. It is to be noted the Shri C. Jairam, Add PCCF (WL) in the office of the PCCF (WL) was notified as CWLW on 30th August, 2017. It is imperative to point out here, the curious fact that for the first time since the enactment of the Wildlife (Protection) Act, 1972, the post of PCCF (WL) & CWLW which by default was held by the same person was spilt and an Add PCCF (WL) was notified in the office of Chief Wildlife Warden. The CWLW, Karnataka starts processing the wildlife clearance proposal only after receiving specific direction from the Regional Office, MoEF vide letter dated 1.09.2017 addressed to the Government and copy marked to CLWL, Karnataka. The specific direction of the REC is *'the project being located in the western Ghats region an important biodiversity hotspot requires critical appraisal of the project from the wildlife conservation perspective'*.



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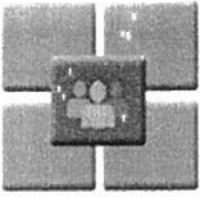
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9. In furtherance of this direction, the CWLW and the PCCF (HoFF) merely left it to the DCF's and the CCF's to submit their recommendation in Part III. The CCF, Kanara Circle in his recommendation letter dated 20.07.2017 submitted that mitigation measures proposed by *"the User Agency are suggestive in nature but the comprehensive mitigation structures. Sizes should be site specific and mitigation plan has to be prepared by the user agency in consultation with competent wildlife ecologist as per the EMP prepared by IISc and as per the guidelines issued by WIII in their publication "Eco-friendly measures to mitigate impacts of liner infrastructure on wildlife"*.

10. It is also imperative to point out from Part I of the Forest Diversion Proposal submitted on 23.04.2016, the User Agency blatantly lied that no part of the 595.64 ha of forest land fall under any Protected Area or ESZ of any Protected Area, thus, Wildlife Clearance is not required. Two months later on 17.06.2016 contradicting themselves, the same User Agency applied for separate wild life clearance on the web portal of MoEF, mentioning clearly and unambiguously that the entire project area (595.64 ha) lies in the Elephant Corridor & ESZ of Kali Tiger Reserve. But, for reasons best known to them, the user agency did not pursue the Wildlife Clearance proposal with the CWLW until August, 2017. It is reiterated that the proposal was processed only after the instructions of Regional Office, MoEF at Bangalore.

11. The CLWL in his part IV recommendation clearly states that the project site does not pass through NP/WLS/ESZ, he also states that he did visit the site and held discussion with the user agency. It could be easily inferred from the contents of his letter addressed to Add. Chief Secretary (Forest & Ecology and Environment) dated 23.10.2017 clearly states that he is recommending the wildlife clearance based on the recommendation in Part III by the field officers, meaning thereby he never visited the site and discussed the project mitigation measures of the IISc with the user agency at all.

12. Further the DCF's / CCF's recommended the project proposal for implementation subject to the close supervision of the field officers and also to implement the mitigation measures suggested by the IISc Bangalore in their EIA & EMP report. Whereas, the CCF, Kanara Circle in his recommendation



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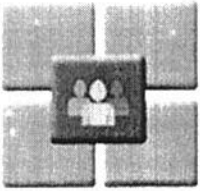
letter dated 20.07.2017 submitted that mitigation measures proposed by the User Agency are suggestive in nature but the comprehensive mitigation structures. Sizes should be site specific and mitigation plan has to be prepared by the user agency in consultation with competent wildlife ecologist as per the EMP prepared by IISc and as per the guidelines issued by WII in their publication "Eco-friendly measures to mitigate impacts of liner infrastructure on wildlife".

13. It clearly brings out a hard fact that the CWLW as per the directions of the REC, never bothered to carry out though "*the project being located in the western Ghats region an important biodiversity hotspot requires critical appraisal of the project from the wildlife conservation perspective*". The CWLW being a statutory authority under WPA, 1972 ought to have complied with the directions of the REC and to have constituted an expert committee consisting of wildlife expert, a scientist from the WII and an experienced forester in the field of Wildlife to have suggested the mitigation measures.

14. It is incumbent on the part of CWLW to have complied with the provision of Section 38 (o) (1) (g) of Wildlife (Protection) Act, 1972 with regard to tiger corridors also to have got the tiger experts recommendation. His duty to refer it to the NTCA, his job was done by NBWL and the committee of the SC-NBWL. He failed to understand the importance of the project area/tiger corridor.

15. The CWLW in complete disregard of the recommendation in part III of the CCF mitigation plan has to be prepared only by the wildlife ecologists as per the EMP prepared by IISc and as per the guidelines issued by WII in their publication "Eco-friendly measures to mitigate impacts of liner infrastructure on wildlife". The CWLW in complete disregard of the statutory requirement of getting the mitigation plan prepared by the wildlife ecologist as per the guideline issued by the Wild Life Institute of India (WII). Unfortunately, no such critical wildlife conservation appraisal and associated sound mitigation measures of the project were done at all.

16. The EIA/ mitigation measure study conducted by IISc, Bangalore back in 2011 holds no relevance at all to this ecologically disastrous HARP. The study so conducted was at the behest of the



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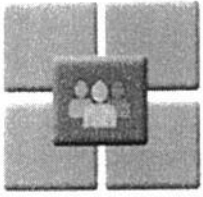
Infra Structure Development Department (IDD)/User agency, this report desperately advocates in favour of construction of the project by providing cosmetic impractical and purposeless mitigation measures. Incidentally, this Standing Committee of the NBWL may please note down that the CWLW who recommended the mitigation measures of the IISc was posted in the IDD department itself from 2010 to 2013 during which period the IISc report in 2 volumes was prepared. He continued to hold additional charge of this important position in the IDD from 2014 to end of 2017 during this period he made the recommendation in part IV in October, 2017.

17. The REC, MoEF recommended the project for stage-1 approval under the Forest (Conservation) Act, 1980 and directed the State Government to pursue the wildlife clearance and asked for its status within 3 months from 29.08.2017. Also, the REC observed that the project is located in the Western Ghats region, an important biodiversity hotspot thus, a critical appraisal of the project from the wildlife conservation prospective needs to be done.

18. In December, 2017, the Additional Director General of Forest (PT) & Member Secretary of NTCA (MoEF) directed Inspector General of Forest, NTCA, Regional Office to conduct a site appraisal and evaluate the proposed diversion of 595.64 ha of forest land vis-à-vis tiger distribution, its dispersal, and suggest mitigation measures and their feasibility if any. Subsequently, the NTCA conducted a site appraisal on 23rd February, 2018 of the Kali Tiger Reserve, Karwar, Yellapur and Dharwad division and submitted a report recommending complete rejection of the project.

19. The wildlife clearance proposal was hurriedly forwarded by the Karnataka State Government to the Standing Committee of National Board for Wildlife (SC-NBWL) without the prior recommendation of the Karnataka- SBWL. The Standing Committee of the NBWL constituted a technical committee with representatives from WII, NTCA and wildlife division of MoEF. The committee based upon their extensive site appraisal in presence of the DCF's & other field officers recommended complete rejection of the proposal.

20. Thereafter, this standing Committee of the NBWL in the 50th meeting held on 7.09.2018 referred back the wildlife clearance proposal of the CWLWL along with the NTCA report and the report of



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the committee constituted by NBWL itself comprising of (WII, NTCA and MoEF Wildlife division) to the State Government with clear direction to the get the rejection reports of these two committees critically examined by the Karnataka- SBWL.

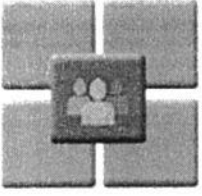
21. On receipt of this direction from this Standing Committee of the NBWL, the CWLW did place this important issue in the 11th meeting of SBWL on 9.1.2019. However, for some curious reasons, he only annexed the proceedings of the 50th meeting of NBWL to the main agenda of SBWL meeting. During the proceedings of this meeting on 9.01.2019 of the SBWL a detailed discussion involving majority of the board members did take place, with complete enormity to reject the HARP, however, the CWLW somehow managed to get it deferred. Further, the CWLW did not reflect any thing that transpired in the minutes of the 11th meeting, instead the minutes read that the project proposal was placed before the board, for want of details the same was deferred. However, one of the board members on 7.03.2019 wrote to the CWLW to GET modified the minutes of the proceedings in respect of HARP stating that when the board after detailed discussion was about to reject the HARP, the CWLW managed to get the subject deferred. Shri Jairam, the CWLW retired on 28.02.2019.

22. The Standing Committee of NBWL may please note down a crucial fact that Shri Jairam being an Add. PCCF (WL) was appointed as the CWLW, Karnataka from 1.09.2017 to 28.02.2018. Shri Jairam was the PCCF (WL) as well as the CWLW, Karnataka between the period from 1.03.2018 to 28.02.2019. One can conclude a hard fact that Shri C Jairam was made the CWLW on 1.9.2017 and PCCF (WL) and CWLW from 1.03.2018 to 28.02.2019 only with the clear intention of some-how getting wildlife clearance recommendation by the Karnataka -SBWL for HARP.

23. Thereafter, the Karnataka-SBWL considered the wildlife clearance proposal during their 13th meeting where by the Board unanimously decided to reject the proposal, including the Chief Minister/ chairperson of the Board and the Minister for Environment, Ecology & Forest Department, Government of Karnataka rejected the proposal.

24. In the 20th meeting of the Karnataka-SBWL, at the instance of a cabinet Minister for heavy industries, sitting Minister for Industries and a former Cabinet Industries Minister along with the

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Project Vruksha Foundation (Reg)

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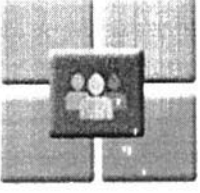
Chief Secretary of the State who were permitted by the chairperson of the SBWL as special invitees who argued in favour of the HARP approval on such frivolous/ specious grounds such as; the project inaugurated by the then Prime Minister Shri Atal Bihari Vajpayee; that the project was approved by then Chief Minister of Karnataka in 2003 on the file; it is a prestigious project for the people of North Karnataka; the existing fully double rack railway line via Londa- Madgao to Belekere port being 80 km more in distance than the proposed line the recommendation of the Chairperson was derived.

25. On critical analysis of the above 4 contentions of the special 4 invitees, none of these arguments hold any water for approval of this project in the SBWL vis-à-vis the irreversible ecologically disastrous changes that will be inflicted upon this ecologically biodiversity rich and UNESCO Heritage forest ecosystem. Further, Standing Committee of NBWL must bear in mind the two crucial committee under the chairpersonship of professor Madhav Gadgil and Professor Kasturirangan report obtained by the MoEF itself and the struggle of MoEF & CC to issue a final notification to save the critical eco sensitive areas of the Western Ghats from further destruction from ever increasing anthropological pressure.

To conclude, HARP is a financially inviable project and the User Agency from time and time failed to make out any case for it. All their arguments justifying the project has been dealt with elaborately by the PCCF back in 2004, thereafter by the MoEF, Central Empowered Committee and post 2016 by NTCA and committee constituted by Standing Committee of the NBWL by observing emphatically the best and the only mitigation measures is to completely avoid the HARP, which if implemented, would be similar to injecting a systemic deadly poison into an otherwise precious, pristine forest ecosystem. This poison once injected would remain in the forest ecosystem in the entire adjoining wildlife landscape which is the critical for the survival of the Western Ghats iconic species such as Tigers and Asiatic Elephants.

In addition to this the Standing Committee of NBWL may please also note down the crucial happenings in the proceedings of the 11th SBWL meeting on 9.01.2019, the 13th meeting of SBWL on 9.03.2020 and the 14th meeting on 20.03.2020, all through these meetings the entire Board member

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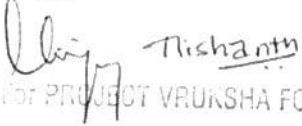
without exception have always put forth the hard facts based on the scientific, economic and wildlife conservation perspectives that HARP should be rejected once and for all.

Thus, it is the duty of the India's apex committee for wildlife decision making to conduct critical appraisal of the facts, review and reject the recommendations of the Karnataka Forest Department for forest diversion and recommendation of the Chief Minister of the State of Karnataka/ Chairman of Karnataka SBWL for wildlife clearance for construction of this ecologically disastrous project.

Such rejection will not only set the right precedent but will also mark the beginning for positive sustainable environmental decision-making process in the country post the Covid-19 world.

Sincerely,

Vijay Nishant


For PROJECT VRUKSHA FOUNDATION

President

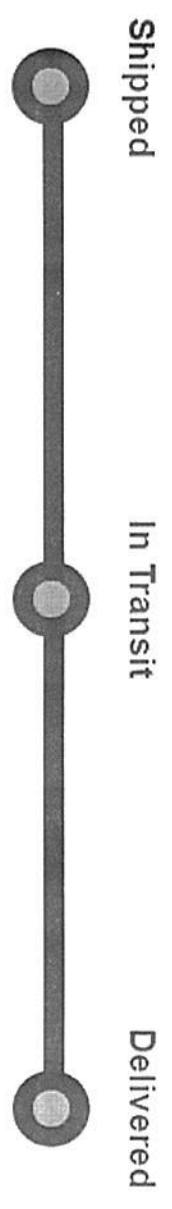
Project Vruksha Foundation

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Shipment Details **Status and Scan**

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Status	Shipment Delivered
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Time of Delivery	13:22
Recipient	Mail Box I P Bhawan

IN THE HIGH COURT OF JUDICATURE AT BENGALURU

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION WRIT PETITION

NO. OF 2020

In the matter of Articles 21, 48(A), 51 (g) and 226
of the Constitution of India;

AND

The Wildlife (Protection) Act, 1972

AND

Karnataka State Board for Wildlife Rules, 2006

IN THE MATTER OF

Project Vruksha Foundation

Through its President

House No. 26/B (2646), 36th 'a' Cross Road

Jayanagar 9th Block

Bangalore- 560069

PETITIONER

VERSUS

1. State Board for Wildlife (SBWL)

Through the Member Secretary

Aranya Bhavan, 2nd Floor,

18th Cross, Malleswaram, Bengaluru-560003

Email: pccfwl@gmail.com

2. State of Karnataka

Through the Additional Chief Secretary (FEE)

Forest, Environment and Ecology Department

Karnataka Government Secretariat,
Room No. 447, 4th Floor, Gate No. 2,
M. S. Building, Bangalore-560001
Email: prsfee@gmail.com

3. National Tiger Conservancy Authority,

Through the Member Secretary,
NTCA HQ (New Delhi)
B-1 Wing, 7th Floor,
Pt. Deendayal Antyodaya Bhawan,
CGO Complex,
New Delhi-110003
Email: ms-ntca@nic.in

4. Standing Committee of the National Board for Wildlife

Through the Member Secretary
6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi 110 003
Email: ecy-moef@nic.in

5. Ministry of Environment, Forest and Climate Change (MoEF & CC)

Regional Office (Southern Zone)
Santhosapuram, 1st Block Koramangala
Kendriya Sadan, Kormangla
Bangalore- 560034

RESPONDENTS

VAKALATNAMA

To,

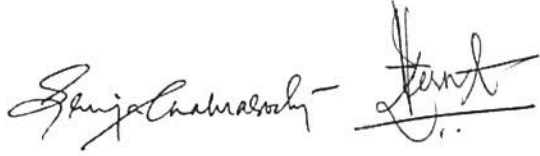
The Prothonotary and Senior Master,
High Court of Karnataka at Bangalore
Karnataka

Sir,

We the Petitioner abovenamed do appoint Ms. Sreeja Chakraborty and Ms. Prerna Venkatesh, Advocate, to act, appear and plead on our behalf in the above matter.

IN WITNESS WHEREOF I HAVE SET AND SUBSCRIBED MY HANDS TO THIS WRITING, on this 1st day of June, 2020, at Bangalore.

Accepted by:



Sreeja Chakraborty/ Prerna Venkatesh

Advocates for the Petitioner

209/B, Prayank Enclave,

Ist B-Main Road, K.G Colony

G.M Palaya, New-Thippasandra

Bangalore- 560075

Contact No. -8250654780

Email: sreeja.raai@gmail.com

PROJECT VRUKSHA FOUNDATION
26/B, (2646), 36th 'A' Cross Road,
Jayanagar 9th Block,
BANGALORE - 560 069.

Petitioner