

Sub: Diversion of 72.177 ha of forest land in Sy. No. 1/1 of Bhutaramanahatti village, Belgaum Taluk and District for Establishment of Rani Chennamma University in favour of the Registrar, Rani Chennamma University, Belgaum.

1. The above subject proposal was considered by the **FAC in its meeting held on 26.12.2016 and FAC recommended that :**
 - a. Regional Office shall carry out inspection and submit Site inspection report (SIR). The matter stands deferred till such time.
 - b. State Government to explain the circumstances under which reserve forest was considered as gomel land and lease was executed in violation of provision of Forest Conservation Act, 1980.
 - c. State Government shall fix the responsibility of officials for carrying out violation of provision of Forest Conservation Act, 1980.
2. As per the above recommendation, Regional Office, Bangalore vide this Ministry's letter dated 23.12.2016 (**pg.154/c**) requested for carrying out SIR and State Government vide this Ministry's letter dated 12.01.2017 (**pg.158/c**) requested for compliance on **para 1(b) & 1(c) above.**
3. The Regional Office, Bangalore vide their letter No. 4-KRA/1099/2016-BAN/2218 dated 13.03.2017 informed that the SIR has been carried out by the Conservator of Forests (Central) on 15.02.2017 to 17.02.2017. The detailed report is available in file at (**pg.159-186/c**) **which is reproduced below:**

I. Legal status of the forest land proposed for diversion: Reserve Forest.

II. Item-wise break-up details of the forest land proposed for diversion:

S.No.	Particulars	Forest Land (Ha)
i.	Faculty cum Department Building	4.047
ii.	Boys Hostel	0.809
iii.	Ladies Hostel	0.809
iv.	Guest House	0.809
v.	Quarters	8.094
vi.	Approach Road	20.235
vii.	Play Ground	8.094
viii.	Water Tank	0.405
ix.	Indoor Stadium	4.047
x.	Garden	10.117
xi.	Open Area	10.579
Total		68.045 ha

III. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof: Yes, the proposal involves construction of building as stated above.

IV. Total cost of the project at present rates:Total cost of project is Rs. 1000/- Crore

V. Wildlife: In the surrounding areas generally Hyena, Hanuman Langur, Fox Peacock are spotted.

VI. Vegetation:-Eucalyptus plantation, Terminalia-paniculata, Terminalia-tomentosa, Anacardium-occidental etc.

VII. Background note on the proposal :As per information provided, the land is Reserve Forest notified videnotification no. AFD18FAF 60 dated Bangalore, 29th April, 1960. (Photocopy of the notification is enclosed as Annexure- I by the Government of Mysore. Out of the total area of 196 acres and 14 Guntas of Reserve Forest, 178 acres 14 Guntas of Reserve Forest, 178 acres 14 Guntas was allotted to the then Karnataka University (Now Called Rani Chennamma University) by shri. G. Gurukiran, the then Deputy Commissioner Belgaum vide his order no. RD/LBP/CR-98/89-90 dated 15/03/1990 (Enclosed as Annexure-II). The records of rights of dated 15/04/1990 are also found to be forged wherein it is mentioned that the land is Gairan" (Copy of the allotment order and Records of Rights are enclosed as Annexure-III). The records of rights are called forged because, when the land has been notified as reserve forest in the year 1960, the same has been entered as Gairan in 1990. On the basis of the report received from Dy. C.F. Belgaum vide his letter No. B4-FOP-GFL-Land-91-92 dated 11/04/1991 (Enclosed as Annexure IV), Shri. N.G. Veerappa, the then conservator of Forests, Belgaum Circle vide his letter No. CI/FI/LND/UNY/3/90-91 dated 26 April, 1990 (Enclosed as Annexure-V) had also requested the Deputy Commissioner, Belgaum to review his allotment order date 15/03/1990 and issue emergent stay order regarding grant of Forest Land in favour of Authorities of Karnataka University. It was informed during monitoring that several efforts were made subsequently to get the order of Deputy Commissioner withdrawn by the forest department. An FIR was also booked by the Deputy Range Forest Officer, Ukkad Section of Kakati Range against the Registrar Rani Chennamma University (Formerly called Karnataka University Dharwad). After a long time the user agency has submitted the current proposal to regularize the violation. In the mean time the University authorities have also sold part of the forest land (9.24 acres) to National Highway Authorities at the cost Rs. 29,98,490/- on 30/07/2004.

VIII. Compensatory Afforestation: The land for raising compensatory Afforestation has been identified in eight patches:

- (i) Sy. No. 84 of Village Uchawade of Khanapur Taluk -3.725 ha. The land has some vegetation comprising of mango (*Magifera indica*), Aonla (*Emblca officinalis*), Sisham *Dalbegia*, sissoo, *Legerstroemialanciolata*. Around 500 trees are standing now.
- (ii) Sy. No. 114 A of village Kalamani of Khanapur Taluk-7.368 ha. This is a revenue land full of vegetation comprising of *Terminalia paniculata*, *Terzninaliatoznentosa*, *Butea monosperma*, *Syzygiuzrz,cuznini*, *Emblca officinalis*, *Acacia auriculiformis* etc.
- (iii) Sy. No. 30 of village Amte of Khanapur taluk-8.211 ha. the land is full with cashew and silver oak. All the four sides are surrounded by private land and the nearest forest boundary is around half kilometer. There will be problem of fores tmanagement and protection in future.
- (iv) Sy. No. 123 of village Amte of Khanapur Taluk-7.296 ha.is full of cashew plantation along-with *Terminalia paniculata*, *Terxrzinaliatomentosa*, *Legerstroemialanciolata* etc. All the four sides are surrounded by the private land and the nearest forest boundary is around 2 kilometers away protection and management of forest in future.
- (v) Sy. No. 4/2- 33.173 ha sy. No. 9- 4.198 ha and Sy. No. 10-8.206 ha of Gavase village of Khanapur taluk. It was informed that Sy. No. 30 and 123 if Amte village have not yet been mutated in favour of the forest department.

IX. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:Yes as per information provided FIR was drawn against violation vide Fir no. 1/1991-92 date 10/07/1991 and FIR no. 01/2014-15 dated 14/02/2014 by Deputy Range Forest officer, Ukkad of Kakati Range. No further action has been taken by the forest department. During inspection three building i.e. and boys' hostel have already been found to be constructed in violation of Forest Conservation Act. 1980.

- X. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:** No the proposal does not involve rehabilitation of displaced person.
- XI. Reclamation Plan:** Not applicable
Details and financial allocation.NA
- XII. Detail on catchment and command area under the project :**Not applicable
- XIII. Cost benefit ratio:** as stated by the Registrar, the Rani Chennamma University is a non-profit organization, so the cost benefit analysis is not applicable.
- XIV. Recommendations of the Principal Conservator of Forests/State Government:**it has been recommended by the principal Chief Conservator of Forests Karnataka.
- XV. Recommendation of Regional Chief Conservator of Forests along with detail reasons:** Since the project is for educational purpose, it is recommended with the condition that necessary legal action may be taken against the officers responsible for violation of F(C) Act, 1980.
- XVI. Recommendations of the Regional CCF (Central), Regional Office, shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land:**The user agency is already in possession of the land in violation of the F(C) Act, 1980.
- XVII. Utility of the project:**For establishment of Rani Chennamma University.
- XVIII. Whether land being diverted has any socio-cultural / religious value:**no socially or religiously important site like temple or Mosque etc. was found on the site.
- XIX. Situation w.r.t. any. P.A.:** Bhimgad wild life sanctuary is 45 Kilometers away from the project site as informed by the forest officials.
- XX. Any other information relating to the project:**
- a.** In the same Sy. No. 1/1 of Bhutaramanahatti village, Belgaum taluk, part of the land on Northern side is occupied by the Shaikh Engineering College. As per the records available in Regional office, no forest land in the same area or otherwise has been diverted to shaikh engineering college.
 - b.** The reserve forest land in the area is also occupied by the private people on the southern side. The State Government may be requested to provide details of such land allotment
 - c.** Authorities of Rani Chennamma University have sold part of the Reserve Forest land occupied by them to National Highway authorities at the cost of Rs. 2998490/- on 30.07.2004. Necessary action may be taken against the officers responsible for such illegal act. Also the entire amount along with interest at the rate of 12.5 % on compounding basis may be recovered from Rani Chennamma University.
 - d.** The forest land is a hillock and as per the land utilization details given by the user agency which are mentioned in the Sl. No. 2 as item wise breakup details, there will be requirement of felling of trees. Therefore adequate Soil and Moisture Conservation measures will be required to control soil erosion.

4. The State Govt. vide their letter no. D.O. no. FEE 101 FLL 2016 dated 04.05.2017 has replied this Ministry's letter dated 12.01.2017. The State Govt. said that the State Government notification No. AFD 13 FAF 60 dated 28.04.1960 certain lands in 6 villages were notified as Reserved Forest. Consequent to the notification, except for Sy.No. 1 of Bhutaramanahatti and Sy. No. 7 of Bandeholi village, all other notified Sy. No's were incorporated into the Revenue records as Reserved Forest. But these survey numbers continued to be recorded as Gomal (pasture land from 1960 onwards, may be by oversight. Since this had happened more than 57 years ago, the reasons are not available. Neither the Forest Dept nor the Revenue Department had taken any action to get the records corrected. Nor the Forest Department took action to take over the land and developing any plantation.

Government of Karnataka vide its order number RD 62 LGL 89: dated 30.01.1990 accorded sanction for reduction of 178 acres 14 guntas of Gomal (Pasture Land) land in Sy. No. 1/1 of Bhutaramanahatti village of Belgavi taluk under the provisions of the Karnataka Land Revenue act, and leased out in favour of Karnataka University, Dharwad for establishment of Post Graduate center at Belgavi.

The DCF, Belgavi had requested to DC, Belgavi for a stay of mutation of land in favour of the Karnataka University. But the Government of Karnataka, Forest department vide letter dated 09.09.1991 directed the principal Chief Conservator of Forest not to interfere with the activities of the Karnataka University as the Government had decided to permit the university to go ahead with the construction in Sy. No. 1/1 of Bhutaramanahatti village. Further it was also directed that if clearance under FC Act 1980 is necessary, it shall be dealt separately.

Government has established Rani Chennamma University at Belgavi in 2010 and as decided to transfer all the asset of the PG center of Karnataka University, Dharwad, at Belgavi to the new university for setting up of its administrative office and other infrastructure. The University has started functioning, imparting Higher Education to the students of backward districts of North Karnataka, The colleges of Belagavi, Bagalkot and Vijayapura Districts are comprised within this University and thousands of students are getting the benefit and the University is very much essential. The Registrar, Rani Chennamma University has now submitted a proposal for diversion (post facto approval) of 72.177 Ha of forest land.

As seen from the circumstance explained above, as the revenue records continued to show the said Sy no as Gomal (Pasture Land), the State Government had followed the process of law under the Land Revenue act and leased the land to the Karnataka University for setting up the post graduate center, to cater the needs of border districts of the State. From the records it is clear that this action of the Government happened only because the records were not updated and not a deliberate action to violate the provisions of the FC Act. The officials acted in good faith in accordance with the directions of the Government. The only laps on the part of the officials are not getting the Revenue records changed to incorporate the said Survey No as Forest Land. This matter is more than 50 years old and the official working then have all retired long ago. Therefore State Government is of the view no action can be initiated against the officers responsible for the violation, as it was not a deliberate and intentional violation but action in Good Faith. This can be considered sympathetically as the land was leased for a public purpose for setting up of a center of Higher Education, and the issue may be dropped and the Forest Clearance under FC act 1980, as recommended by State Government, for 72.177 Ha in favour of Rani Chennamma University, Belgavi may be granted at the earliest.

5. The SIR done by RO, Bangalore and reply given by State Govt. on the recommendation of FAC, was placed before FAC meeting held on 15.06.2017 and the FAC, after examination of the proposal and discussion with user agency, observed as below :

- (i) The State Government of Karnataka vide their letter No. FEE 101 FLL 2016 dated 04.10.2016 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
- (ii) The proposal was placed before the FAC in its meeting held on 26th December, 2016.
- (iii) The project is located in the Belagavi Forest Division, District Belagavi, Karnataka
- (iv) The legal status of the forest land is Reserve Forest.
- (v) It is reported that the proposed area is not vulnerable to erosion
- (vi) There are 4476 of trees enumerated/to be actually felled.
- (vii) The vegetation density of the area is 30 to 40%.
- (viii) The proposed area do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc
- (ix) No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
- (x) It is reported that total cost of the project is 10,000 lakhs
- (xi) Deputy Conservator of Forests has given certificate that the 178 acre & 14 gunta of the proposed land was granted to Karnataka University Dharwad by Deputy Commissioner belagavi vide order No. RD/LBP/CR/98/89-90, dtd. 15.03.1990 considering it as gomal land (gairana) but the said granted land is a part of Fs. No. 1/1 of Bhuthramanhatti Reserved Forest having an area of 196 acre & 14 guntas which was notified vide notification no. AFD/13/FAP/60/BNG, dtd. 28.07.1960.
- (xii) As per the grant, the user agency carried out non-forestry activity. The user agency has deposited Rs. 5.00 lakhs on 07.02.1993 and Rs. 9.40 lakhs on 05.01.1995 towards the compensatory afforestation charges. The user agency completed the construction of 3 buildings in 1995 itself, thus violating the Forest Conservation Act, 1980.
- (xiii) It is reported that the requirement of land is unavoidable and barest minimum for the project.
- (xiv) It is reported by DCF, Belagavi that the details of CA area released by the Deputy Commissioner, Belagavi as per order no. RB/LND/CR-618/2000-01 dated 24.04.2002 and order no. RS/LND/CR—618/2000-01 dated 28.05.2016 is given .However detail CA scheme is not given.
- (xv) DCF, Belagavi division has given the suitability certificate for CA land.
- (xvi) Certificate of Deputy Commissioner & District Magistrate, Belagavi regarding FRA for an area of 178 acres and 14 guntas has submitted. However, copies of Gram Sabha Resolution are not given. Thus, compliance on FRA is in-complete..

- (xvii) It is stated that cost benefit analysis is not applicable as Rani Channamma university is a non - profit organization.
- (xviii) DCF has recommended that the user agency has already violated Forest Conservation Provisions by constructing administrative, library and other buildings which are being used since establishment of the Post Graduation Centre. As approximate 1000 students are getting a Post Graduation every year. The Proposed Forest land is recommended for diversion to Rani Channamma University.
- (xix) CCF has recommended that the forest land proposed for diversion has already been granted in favour of the user agency and the post graduate centre has already been established in violation of the Forest Conservation Act, 1980. Therefore, the proposal is recommended for obtaining post-facto approval.
- (xx) PCCF has recommended the proposal subject to conditions as follows.
- i. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
 - ii. The lessee shall pay lease rent as fixed by the Govt. from time to time.
 - iii. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
 - iv. The Karnataka Forest Act. 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
 - v. Compensatory afforestation shall be raised at the cost of User Agency over equivalent non-forest area being proposed for diversion at the rate prevailing at the time of approval (at present it is Rs. 2,55,000/- per ha.) or any extent as approved by the Ministry of Environment and Forests.
 - vi. Penal Compensatory Afforestation shall be raised at the cost of User Agency over an extent as deemed fit may be decided by MoEF, at the rate prevailing at the time of approval (at present it is Rs. Rs.2,55,000/- per ha.)
 - vii. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
 - viii. The User Agency shall provide free water supply to raise and develop some medicinal and fruit yielding plantations in the forest area abutting the project site in order to protect the environment of the region.
 - ix. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
 - x. All waste & debris generated shall be scientifically disposed off, outside the forest area.
 - xi. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
 - xii. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
- (xxi) The user Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (HoFF)
- (xxii) State Government has recommended the proposal for approval under section 2(ii) of Forest (Conservation) Act, 1980.
- (xxiii) Regional office, Bangalore in their forwarding letter mentioned that the site inspection of the proposed area may be carried out before taking a decision on the proposal. Accordingly, the Regional Office, Bangalore requested to carry out SIR vide this Ministry's letter dated 23.12.2016.

(xxiv) It is also observed that as per the guideline 4.5 issued under FCA 1980, *inter alia* states that “**The central government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses.**” It also states that diversion of forest land for construction of other buildings also will not be normally considered. However such diversion may be allowed for construction of school ,hospital/dispensary, community halls , co operative , panchayats, tiny rural industrial area, but such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare in each case.

6. **Recommendation of FAC on 15.06.2017:** FAC after thorough deliberation and interaction with user agency observed that there appears to be a number of violations, perhaps deliberately, in the past. Therefore the proposal is deferred to next FAC meeting. It is desired that the ACS (Forests) to Government of Karnataka ,PCCF(HOFF) Karnataka and Nodal Officer (FCA) Karnataka will be requested to attend the next FAC meeting in New Delhi and clarify these issues.
7. After FAC held on 15.06.2017, the meeting was conducted with PCCF Karnataka on 28.08.2017 in MoEF&CC with DGF& SS for information and necessary action. The proceeding of the meeting held under the chairmanship of DGF&SS in his camber on 28.08.2017 on the issue may kindly be seen at **pg. 25-27/N and the following decisions have been taken in the said meeting:**
 - (i) PCCF, Karnataka, will provide the status of the proposal which was submitted to the state Government under the provisions of FCA 1980 on the direction of State Government on 23.03.1993
 - (ii) State Government will explain why the forest land was transferred to the KU and other patta on lease without following provisions of Section 2 (III) of FC Act 1980.
 - (iii) State Government will furnish reasons why the proposal under FC Act was not forwarded to MOEF&CC, though the same was submitted by the user agency to Forest Department.
 - (iv) Status of CA area which was raised over the land given by University in lieu of forest land may be provided. It may also be informed whether money deposited for CA had been fully utilized or not.
 - (v) Since the area was declared Reserved Forest under Section 20 of the Indian Forest Act and was under the management and control of Forest Department, the State Government shall provide the detail of working plan prescription being followed between 1990 till date over 72.21 ha (178.14 acres) of forest land in Sy. No. 1/1 of Bhutaramanahatti village, which was declared, reserved forest in 1960.
 - (vi) From the perusal of Google image it learnt that the though area has been transferred on paper the actual land use is still forest. State Government is requested to provide details of area which is under forest use within 72.21 ha and managed as per latest working plan prescribes.
 - (vii) State Government will provide status of the total 196-14 Acre-gunta of the forest land notified as reserved forest in 1960 and forest land measuring about 18 acre which was given by way of patta by the state government without following provisions of FC Act.
8. The above decisions taken in the meeting at New Delhi have been communicated to State Govt. vide this Ministry’s letter dated 19.09.2017 (pg. **289-293/c**).
9. The Additional Chief Secretary, Govt. of Karnataka, Forest, Ecology and Environment Department vide their letter no. D. O No. FEE 101 FLL 2016 dated 29.11.2017 (pg. **294-370/c**) has replied the Ministry’s letter dated 19.09.2017 as detailed below.

Issue Number 1: PCCF, Karnataka, will provide the status of the proposal which was submitted to the state Government under the provisions of FCA 1980 on the direction of State Government on 23.03.1993

Reply of Forest Department:

- i. 178 acre 14 gunta (72.177 ha) Reserved Forest land in Sy. No. 1/1 of Bhutaramanahatti village, Belgaum Taluk was granted by the Deputy Commissioner (DC), Belgaum on 15-03-1990 for establishing a Post Graduate Centre of Karnataka University, Dharwad (KUD). Soon after, vide letter 23-04-1990, Deputy Conservator of Forests (DCF), Belgaum requested DC to cancel the grant, as it constituted violation of the Forest Conservation (FC) Act 1980. However, and as detailed under Issue number 2, it was decided at the level of the State Government that civil works of the KUD may be continued and application should be submitted seeking approval of the Government of India under the FC Act, 1980.
- ii. Accordingly, a proposal for diversion of forest land was first received in the year 1993 by the Forest Department. Such proposal was found to be incomplete and was returned to the field offices for obtaining all required information/ documents from the User Agency (then Karnataka University, Dharwad (KUD), now Rani Channamma University (RCU), Belagavi). The proposal remained under correspondence owing to incompleteness regarding necessary information and compliance of compensatory non-forest land and payment of compensatory afforestation charges decided by the State Government.
- iii. Non-forest land measuring 178 acre 14 gunta was provided vide order dated 29-01-1999 of the DC, Belgaum, of which 20 acre 17 gunta was found to be under encroachment. It was only in August 2016 that a total extent of 178 acre 14 gunta non-forest land suitable for compensatory afforestation was finally made available to the Forest Department in lieu of the forest land granted to the KUD.
- iv. Regarding payment of Rs. 14.40 lakh @ Rs. 20, 000/ha towards raising compensatory afforestation communicated by the State Government on 25-11-1991, the User Agency (KUD) paid Rs. 5 lakh on 04-02-1993 after initial refusal. Remaining amount of Rs. 9.40 lakh was deposited by the DC, Belgaum on 05-01-1995. Further, PCCF vide letter dated 05-02-1996 informed the User Agency to pay Rs. 21.375 lakh towards penal CA, which remains unpaid.
- v. Further, the said PG Centre of Karnataka University (KU), Dharwad became part of newly created Rani Channamma University (RCU), Belgaum in the year 2010 resulting in change of User Agency and management.
- vi. Furthermore, Government of India launched web portal for processing the applications seeking diversion of forest land under the FC Act 1980 and emphasized on processing all proposals online from 15-08-2014.
- vii. **For the abovementioned reasons, the proposal submitted in 1993 could not attain maturity for submission to the State Government.**
- viii. The User Agency has submitted a complete FC proposal through online mode on 10-08-2016 after rectification of the shortcomings intimated by the Nodal Officer. This on-line proposal has been processed by the Forest Department and submitted on 20-09-2016 to the Government of Karnataka, which has further been forwarded to the Government of India on 04-10-2016.

A detailed sequence of events related to the processing of the forest land diversion proposals is provided under reply to Issue number 3.

Issue Number 2: State Government will explain why the forest land was transferred to the KU and other patta on lease without following provisions of Section 2 (III) of FC Act 1980

Reply of Forest Department

A. Issue of the grant of Reserved Forest land in favour of Karnataka University, Dharwad (KUD) without prior permission under Section 2 of the FC Act 1980

- i.** As mentioned in the G.O. dated 31-01-1990 regarding grant of land in Sy. no. 1/1 of Bhutaramanahhti village of Belgaum for establishing a Post Graduate (PG) Centre of Karnataka University, the Divisional Commissioner, Belgaum in his letter dated 23-10-1989 has reported that the Vice Chancellor, Karnataka University, Dharwad has represented that *the post graduate courses of the Karnataka University have started about 7 years ago but the university does not have a separate campus for running these courses much to the inconvenience of the students and staff, which has also resulted in agitation by the students.* The Divisional Commissioner recommended and requested approval for providing 178 acre 14 gunta of 'Gomal' land in Sy.No.1/1 of Bhutaramanahhti village of Belgaum under Rule 97 (4) of the Karnataka Land Revenue Rules, 1966 for establishment of PG Centre at Rs. 6,200/- per acre. Accordingly, the Government order was issued.
- ii.** Based on the Government Order, the Deputy Commissioner, Belgaum made the grant order in favour of Karnataka University, Dharwad on 15-03-1990. Pointing out that the said land is part of Reserved Forest constituted in 1960, the Deputy Conservator of Forests (DCF), Belgaum wrote to the Deputy Commissioner (DC), Belgaum on 23-04-1990 to stay the forest land grant order, as the order was in contravention of the Forest (Conservation) Act, 1980.
- iii.** A perusal of RTCs regarding mutation entries reveals that, in the year 1964-65, an extent of 196-14 Acre of land in Sy. no. 1 of Bhutaramanahhti village of Belgaum was shown as *Sarkari Gairana VPC* (Village Panchayath Committee) *Bambarge*; and, in the year 1976-77, from such 196-14 Acre, an extent of 18 Acre was reserved for certain category of beneficiaries (Harijan-Girijan, ex-servicemen, political sufferers etc) and the remaining 178-14 Acres was entered as *Karnataka Sarkara*. At the time of the grant to the university in the year 1989-90, the said land was mentioned as 'Gairana' (Gomal or grazing land) and not as 'Reserved Forest' land in the RTC.
- iv.** In view of the grant made by the Government, the Karnataka University took up the work of formation of road and cutting of vegetation, upon which, forest authorities booked a forest offence case on 10-04-1991, as the land was yet to be diverted under the Forest (Conservation) Act, 1980.
- v.** On 12-08-1991, the Divisional Commissioner, Belgaum and DC, Belgaum were directed by the Government in Animal Husbandry, Fisheries and Forest (AHFF) Department to verify the records and cancel the grant, in case the said land was a forest land. However, further in this regard, letter dated 09-09-1991 from AHFF Department, Government of Karnataka addressed to Principal Chief Conservator of Forests –II mentioned that in the meeting held on 29-08-1991 in the chamber of Hon'ble Minister for Education and Parliamentary Affairs, it was decided that Karnataka University should be permitted to go ahead with construction works and that clearance from Government of India would be separately obtained in case such clearance is necessary. Enclosing copy of said letter of

Government of Karnataka, the PCCF directed the DCF, Belgaum for necessary action including submission of proposal under Forest (Conservation) Act, 1980.

- vi.** From the D.O. letter dated 19/22-12-1992 of the Secretary to Government, AHFF Department, addressed to the Vice Chancellor, Karnataka University, it is understood that in a discussion chaired by the Chief Minister and attended by Revenue Minister, Revenue Commissioner, Secretary to CM and the PCCF, where stoppage of construction work of the University and Government's direction to the Forest Department not to stop such construction work was considered, and further in view of the urgency to obtain approval of the Government of India under Forest (Conservation) Act, 1980, it was decided that alternative non-forest land to an extent of 178 acre 14 gunta should be immediately made available by the Revenue Department to the Forest Department for compensatory afforestation and the University should pay an amount of Rs. 14.40 lakh towards Compensatory Afforestation.
- vii.** Furthermore, though proposal under the Forest (Conservation) Act, 1980 was initiated in the year 1993, it remained under correspondence, owing to incompleteness regarding necessary information and compliance of compensatory non-forest land and payment of compensatory afforestation charges as decided by the State Government. However, after persistent efforts, a proposal complete in all respects was submitted by the User Agency through online mode in August 2016. It is also of significance that the said PG Centre of Karnataka University (KU), Dharwad became part of newly created Rani Channemma University (RCU), Belgaum in the year 2010 resulting in change of User Agency and management, which has also contributed to delay in submission of proposal under FC Act 1980.

A sequence of events in this regard is provided below.

1	31-01-1990	The Government of Karnataka (Revenue Department) based on the letter dated 23-10-1989 of Divisional Commissioner, Belgaum, sanctioned for reduction of 178-14 Acre of 'Gomal' land in sy no. 1/1 of Bhutaramanahhti village under Rule 97(4) of Karnataka Land Revenue Rules, 1966 and subsequent grant in favour of Karnataka University, Dharwad for establishment of Post-Graduate Centre @Rs. 6,200 per acre.
2	15-03-1990	Based on above GO, the Deputy Commissioner, Belgaum, granted the 178-14 Acre land in favour of KUD.
3	23-04-1990	As soon as the forest department noticed the unauthorised grant of RF land for non-forestry purpose, the DCF, Belgaum, requested the DC, Belgaum, to stay the DC order No. RB-LBP-CR-98-89-90 dated 15-03-1990, as the land grant was in violation of the FC Act, 1980.
4	26-04-1990	The CF, Belgaum Circle, requested the DC, Belgaum, to stay the grant of RF land in question.

5	10-04-1991	A Forest Offence Case (FOC) was booked by Section Forester, Ukkad Section of Kakati Range, against the Administrator, Karnataka University Dharwad, PG Centre, Lingaraj College Campus, Belgaum for unauthorised formation of road with Bulldozer & cutting of some forest vegetation and confiscated 50 cum of firewood.
6	30-04-1991	The DCF, Belgaum requested the DC, Belgaum to obtain prior approval of Government of India and not to allow University authorities to take up work.
7	18-06-1991	The PCCF wrote to Commissioner & Secretary to Government, AHFF Department, requesting for withdrawal of Deputy Commissioner's order dated 15-3-1990.
8	12-08-1991	The Government (AHFF Department) directed the Divisional Commissioner, Belgaum and DC, Belgaum, to cancel the DC order dated 15-03-1990 after verifying the records, if it was a forest land. It was also informed that power to grant the forest land vested with GOI.
9	09-09-1991	The Government (AHFF Department) wrote to PCCF informing the government decision to permit the KUD to go ahead with construction works and also to direct the forest department not to interfere with activities of KUD and that clearance from Government India would be separately obtained, if such clearance was necessary under FC Act, 1980.
10	17-09-1991	The PCCF, enclosing the above direction of the government, directed the DCF, Belgaum, to take action as directed by government and to submit proposal under FC Act, 1980, marking a copy to CF (Central), Bangalore.
11	28-9-1991	In the meantime, quoting the letter dated 18-06-1991 of PCCF, the DCF Belgaum, informed the Administrator, KUD, not to carry out any work in the said area or else legal action would be taken and also requested to wait till further orders of the Government.
12	24-11-1992	The PCCF wrote to Government (AHFF) for issuing orders to stop the work of KUD till the clearance from the Government of India is obtained and also to revise the government direction dated 09-09-1991.
13	01/12/1992	The DCF, Belgaum, informed the PCCF that the RFO, Kakati Range, had stopped construction of building works by KUD.
14	19/12/1992	The Government (AHFF) requested VC KUD to deposit an amount of Rs. 14.40 lakh (<i>towards CA</i>) with Forest Department immediately.
15	21-04-1993	The Government (AHF) directed the PCCF to inform the status of payment of Rs. 14.40 lakh made by KUD and also to submit proposal for getting clearance under FC Act.

16	23-12-1993	The CF, Belgaum Circle, submitted the FC proposal to PCCF. However, certain shortcomings were communicated on: 10-01-1994 to the CF, Belgaum Circle.
17	14-04-2014	Another FOC was registered against Registrar, RCU, and others under KFA, 1963 by Section Forester, Ukkad Section of Kakati Range, vide FOC No. 1/14-15 for having constructed buildings unauthorisedly before 1992 in FS No. 1/1 of Bhutaramanahatti without taking prior Permission. This FOC and the earlier booked FOC on 10-04-1991 have remained pending.

B. Grant of RF land to other patta holders

The reservation of 18 acre RF land to private persons of various categories was made by the Tahsildar, Belgaum Taluk during the year 1976-77. Actual grants were made vide Mutation Register (MR) dated 29-07-1977, 04-11-1978 and 28-02-1980. According to the RTC, an extent of 2 acre of land remains with the State Government. Further patta-holder wise details are provided under reply to Issue Number 6.

Issue Number 3: State government will furnish reasons why the proposal under FC Act was not forwarded to MOEF&CC, though the same was submitted by the user agency to Forest Department.

Reply of Forest Department

The reasons and circumstances under which the proposal initiated under the Forest (Conservation) Act in the year 1993 could not be submitted to the State Government have been detailed in reply to Issue Number 1 already.

A complete sequence of events in reminding the concerned authorities and pursuing with them and for obtaining the FC proposal from the User Agency and processing in the department is given below.

1	09-09-1991	The Government directed the PCCF-II to take action for furnishing the FC proposal.
2	17-09-1991 &27-07-1993	The PCCF directed the DCF, Belgaum, submit the FC proposal through CF Belgaum.
3	23-12-1993	The CF, Belgaum Circle submitted a FC proposal (in six sets) to PCCF.
4	04-04-1995	The PCCF informed the VC, Karnataka University Dharwad (KUD), to submit all the required information to DCF, Belgaum, so that he could submit a complete proposal.
5	04/11/1995	The PCCF informed the VC, KUD, to submit the proposal with all particulars/, documents along with Penal CA charges.
6	26/02/1996	DCF, Belgaum, submitted a FC proposal to CF Belagavi.

7	12-03-1996	The CF, Belgaum Circle submitted the same to PCCF.
8	26-03-1996	The PCCF sought certain documents/ information with regard to the FC proposal from the CF, Belgaum.
9	16-05-1997	The PCCF informed the Registrar, KUD, to submit certain additional information with regard to the FC proposal.
10	31-07-1997	The PCCF requested the VC, KUD, to furnish the complete details with all documents to DCF, Belgaum.
11	26-05-1999	The PCCF brought the fact of non-submission of the complete details/ information by the KUD and requested to take up the matter at Government level for ensuring submission of all information and complete FC proposal.
12	12-07-1999	The Registrar, KUD submitted the documents /information to DCF Belagavi as part of the proposal.
13	08-06-2011	A meeting was held with U/A (attended by Registrar, Rani Chennamma University (RCU), Belagavi) in the chamber of CF, Belagavi and the UA was requested to submit proposal with all documents within a period of one month.
14	10-07-2013	The UA submitted a FC proposal to DCF Belgaum.
15	16-10-2015	DCF, Belagavi, asked the UA to submit Village wise, Sy no wise, Forest area required along with village map, Google map with GPS readings, joint surveyed sketch and Proforma-II instead of Proforma-I as per FRA-2006.
16	15-07-2016	The DCF, Belgaum, has submitted proposal to CCF, Belgaum Circle (offline). The same has been submitted with recommendations by the CCF, Belgaum Circle to PCCF office vide letter dated 18-07-2016 (offline mode).
17	20-07-2016	The UA has applied the proposal through online mode.
18	21-07-2016	The Nodal Officer observed certain shortcomings and informed the UA to upload information/documents and reminded on 11-08-2016.
19	19-09-2016	The PCCF has submitted the proposal to GOK.
20	04-10-2016	The proposal submitted to MOEF&CC, for Stage-I approval by the GOK.
21	12-01-2017	The proposal of State Government was placed before FAC on 26/12/2016. The State Government was requested to furnish additional

		information on two points. The Regional Office of MoEF&CC was asked to carry out the site inspection and to submit the report.
22	13-03-2017	The PCCF letter to MOEF&CC, Bangalore regarding Site Inspection Report of CF, MOEF Bangalore dated: 15 & 16-02-2017.
23	26-04-2017	The PCCF submitted a detailed report to GOK on the two points raised by MoEF&CC earlier.
24	19-09-2017	The GOI has communicated the proceedings of the meeting held under Chairmanship of DGF & SS with PCCF (HoFF) and other officers on 28-08-2017 in Delhi, asking the report on 6 points. The report on the same is being submitted now.

Issue Number 4: Status of CA area which was raised over the land given by University in lieu of forest land may be provided. It may also be informed whether money deposited for CA had been fully utilized or not.

Reply of Forest Department

The sequence and circumstances describing the allotment of non-forest CA lands, and the demand, recovery and utilization of CA money received against the proposal are tabulated below.

1	25-11-1991	The Government of Karnataka (AHFF Department) vide letter dated:25-11-1991 had directed the Forest Department to collect an amount of Rs.20,000/- per hectare from the KUD for raising compensatory plantation in non-forest area in lieu of 178-14 Acre (= 72.177 hectare) granted to KUD.
2	11-12-1991	The PCCF requested the Vice Chancellor, KUD to send demand draft for Rs. 14.40 lakh towards CA.
3	4-12-1991	Accordingly, the CF, Belgaum vide letter dated: 24-12-1991 requested the Registrar, KUD, to deposit Rs. 14.40 lakh towards CA.
4	27-1-1992	The PCCF, vide another letter dated 27-1-1992, informed the Registrar, KUD, to deposit Rs. 14.40 lakh towards CA.
5	07-03-1992	The DCF, Belgaum, informed Register, Karnataka University, Dharwad to deposit Rs. 14.40 lakh towards CA.
6	25-04-1992	The Registrar, KUD, refused to pay an amount of Rs. 14.40 lakh towards CA.
7	16-9-1992	The Government (AHFF) directed the Registrar, KUD to pay Rs. 14.40 lakh on 16-9-1992.

8	04-02-1993	The Registrar, KUD , paid Rs. 5.00 lakh (part payment) towards CA on 4-2-1993.																														
9	05-01-1995	The Deputy Commissioner, Belgaum , deposited the balance Rs. 9.40 lakh towards CA on: 5-1-1995.																														
10	05-02-1996	The PCCF informed the KUD to pay Rs. 21.375 lakh towards Penal CA for double the extent of forest land diverted.																														
11	19-02-1996	The DCF Belgaum, quoting PCCF letter dated 05-02-1996, asked the KUD to pay Rs. 21.375 lakh towards Penal CA for double the extent of forest land diverted.																														
12	19-08-1996	The VC, KUD informed the PCCF that an amount of Rs. 14.40 lakh had already been paid towards CA charges and hence the university would not make payment of Rs. 21.375 lakh towards Penal CA.																														
13	07-10-1996	The PCCF informed the VC, KUD to make the mandatory payment of Rs. 21.375 lakh towards Penal CA, or else the department will be constrained to evict the university from the forest land.																														
14	15-10-1997	The DCF, Belgaum, requested DC, Belgaum, to hand over 178-14 Acre C&D land, without which it was not possible to submit the FC proposal to higher authorities.																														
15	29-1-1999	<p>The DC, Belgaum issued an order for transfer of 178-14 Acre of C & D class land in Khanapur taluk to Forest department for CA purpose. The list is as under</p> <table border="1"> <thead> <tr> <th rowspan="2">Village</th> <th rowspan="2">Sy. No.</th> <th colspan="2">Area</th> </tr> <tr> <th>Acre</th> <th>Gunta</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Chikale</td> <td>1A/1B</td> <td colspan="2">1-20</td> </tr> <tr> <td>1A/1D</td> <td colspan="2">12-30</td> </tr> <tr> <td>76A/1</td> <td colspan="2">5-07</td> </tr> <tr> <td>79A/2</td> <td colspan="2">1-00</td> </tr> <tr> <td rowspan="2">Kalamani</td> <td>20</td> <td colspan="2">8-02</td> </tr> <tr> <td>114/A</td> <td colspan="2">18-204</td> </tr> <tr> <td>Gavase</td> <td>4/2</td> <td colspan="2">80-00</td> </tr> </tbody> </table>	Village	Sy. No.	Area		Acre	Gunta	Chikale	1A/1B	1-20		1A/1D	12-30		76A/1	5-07		79A/2	1-00		Kalamani	20	8-02		114/A	18-204		Gavase	4/2	80-00	
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16	26-8-1999	The DCF, Belgaum, reported to PCCF that, out of 178-14 Acre allotted by Deputy Commissioner Belgaum 159-37 Acre was taken into possession by the forest department. Only the remaining 20-17 Acre in Chikale village was not handed over to the department because of encroachment.																								
17	02/03/2016 & 21/03/2016	After field verification, it was noticed that 38-30 Acre of land given for CA area by DC Belgaum, was under encroachment. The DCF, Belgaum, wrote to DC Belgaum, to hand over an equivalent alternate land.																								
18	08-07-2016	<p>Accordingly, the DC, Belgaum, issued an order to transfer alternate 38-30 Acre C&D Land to Forest Dept towards CA (part). Thus, the DC, Belgaum, vide his orders dated: 24-04-2002 and 08-07-2016 has issued orders for transferring 178-14 Acre of non-forest land in Khanapur Taluk to Forest Department towards CA. The final statement of CA lands under the custody of forest department is as under:</p> <table border="1"> <thead> <tr> <th>Village</th> <th>Sy. No.</th> <th>CA land Extent (Acre- Gunta)</th> </tr> </thead> <tbody> <tr> <td>Kalamani</td> <td>114/A</td> <td>18-20</td> </tr> <tr> <td rowspan="3">Gavase</td> <td>4/2</td> <td>80-00</td> </tr> <tr> <td>9</td> <td>10-37</td> </tr> <tr> <td>10</td> <td>20-27</td> </tr> <tr> <td>Uchawade</td> <td>84</td> <td>9-20</td> </tr> <tr> <td rowspan="2">Amate</td> <td>123</td> <td>18-02</td> </tr> <tr> <td>30</td> <td>20-28</td> </tr> <tr> <td colspan="2">Total</td> <td>178-14</td> </tr> </tbody> </table>	Village	Sy. No.	CA land Extent (Acre- Gunta)	Kalamani	114/A	18-20	Gavase	4/2	80-00	9	10-37	10	20-27	Uchawade	84	9-20	Amate	123	18-02	30	20-28	Total		178-14
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Present status: The forest department has not raised the CA plantation over the abovementioned 178 acre 14 gunta non-forest land. The CA amount of Rs. 14.40 lakh recovered from KUD remains unutilized. The CA lands are under the custody of the Forest Department and have been included in the Online FC Proposal No. FP/KA/SCH/20566/2016 (revised application submitted on 10-08-2016).

Issue Number 5: Since the area was declared Reserved Forest under section 20 of the Indian Forest Act and was under the management and control of Forest Department, the State Government shall provide the detail of working plan prescription being followed between 1990 till date over 72.21 ha (178.14 acres) of forest land in Sy. No. 1/1 of Bhutaramanahatti village, which was declared reserved forest in 1960.

Reply of Forest Department

- i. As per the notification of Government of Mysore Dated 28/04/1960, total forest extent in all the Forest Survey Numbers of Bhutaramanahatti village is 1299 acre 28 gunta (526.19 ha), out of which 196 acre 14 gunta (72.21 ha) is in Survey Number 1.
- ii. **Prescriptions for the 1967-68 to 2010-11:** Out of the total extent of forest area of 1299 acre 28 gunta in Bhutaramanahatti village, 1035 acre (435 ha) was included in **Fuel Working Circle** (Felling Series LXXV & LXXVI; Page no 176 to 177, Appendix IX) in Shri C.J.Fernandes' Revised Working Plan for forest areas of Belgaum district (*excluding those of Nagargali Range and High Forest areas which were part of the other two concurrent Working Plans*). There is no mention about the remaining 264 acre 28 gunta (1299 acre 28 gunta – 1035 acre) of forest area in Bhutaramanahatti village, and reasons for the same are not forthcoming from the Working Plan. The Working Plan prescribed annual working coupes, however without mentioning the survey numbers such coupes were located in. Therefore, not survey number wise, but coupe number wise prescriptions only are known. Further, such working of the coupes was to be followed by planting with Eucalyptus (Paragraph 172, page-36) in the following year and subsequent closure for next 10 years. The working coupes (of different extent) for Bhutaramanahatti forest areas were prescribed from the year 1969-70 till 1999-2000 (ANNEXURE 1) (Pg. 305/c).
- iii. **Period from 2002-03 to 2011-12:** Sri. S.K. Malkhede's Working Plan (2002-03 to 2011-12) allotted the entire 526.19 hectare (1299 acre 28 gunta) forest area of Bhutaramanahatti village under two Working Circles: (i) **Protection Working Circle (comprising of 376.19 hectare of Bhutaramanahatti forest area); and, (ii) Afforestation Working Circle (comprising of 150 hectare of Bhutaramanahatti forest area)**. Information regarding allocation of survey number 1 of Bhutaramanahatti village into one of these Working Circles is not forthcoming from the Working Plan. The prescription for Protection Working Circle includes digging of cattle proof trenches, fencing and stone wall. Forest Department has carried out afforestation works in several survey numbers of Bhutaramanahatti forest area, excluding forest survey number 1, which (is subject matter in the present case and) is not in the custody of the Department.
- iv. **Period from 2011-12 onwards:** The present Working Plan (2012-13 to 2021-22) of Belgaum Division has placed Bhutaramanahatti forest area into Afforestation Working Circle, wherein the forest areas have been categorized into two categories having scrub growth and good growth. Accordingly the prescription suggests intensive and less intensive planting treatment depending on the existing growth.

Issue Number 6: State Government will provide status of the total 196-14 Acre-gunta of the forest land notified as reserved forest in 1960 and forest land measuring about 18 acre which was given by way of patta by the state government without following provisions of FC Act

Reply of Forest Department:

- i. Survey Number 1 consisting of 196 acre 14 gunta land in Bhutaramanahatti village is a Reserved Forest (RF) land notified vide Government Notification No. AFD 13 FAP 60 Dated 28th April 1960. The status of the said RF land was shown as “Sarkari Gairana” in revenue records (RTC for 1964-65), which has changed to other titles later on, depending on the ownership. A number of changes in the ownership have been effected since 1976-77.
- ii. Out of 196 acre 14 gunta land, 18-00 acres of land, was reserved by the then Tahasildar, Belagavi vide his order number L.G.R.SR-35/73-74 Dated: 02/03/1977 for following purposes.

Village	Sy. No.	Particulars	Extent (in A-G)
Bhutramanhatti	1/1/2/1	For Harijans-Girijans	9-00
		For ex-servicemen	2-20
		For political sufferers	2-20
		For Public and other purposes	4-00
		Total	18-00

Present status of above two land parcels (18 acre and 178 acre 14 gunta adding to 196 acre 14 gunta) is given below.

- a) **18-00 Acre land reserved by Tahasildar, Belgaum, for various purposes during 1977-78:**
Details of grants and further changes in ownership are listed in ANNEXURE-2 (Pg.332-362/c).
- b) **Details of 178-14 acres of land granted to Post Graduate Centre, Karnataka University, Dharwad (KUD)**

Quoting Government Order No. RD 62 LGL 89 Dated 31-01-1990 [ANNEXURE-3] (Pg. 363/c), the Deputy Commissioner, Belgaum has granted 178-14 Acre for establishing Post Graduate Centre of Karnataka University, Dharwad under Karnataka Land Revenue Act 1966 at the rate of Rs, 6200/- per acre, treating the said land as Gomal (Giarana) land by Order No. RB/LBP/CR-98/89-90 Dated 15-03-1990 [ANNEXURE-4] (Pg. 364/c)..

The Karnataka University, Dharwad was bifurcated to carve out a new Rani Channamma University, Belgaum, vide Government Order No. SAMYASHAE 22 Shasana 2010 Dated 09-09-2010. [A Note enclosed as ANNEXURE-5] (Pg. 366/c). The Land Ownership in respect of Survey Number 1/A (the RTC issued after deducting 9 acre 10 gunta area in favour of the NHAI shows the survey number as 1/A) at present is in the name of Registrar, Rani Channamma University, Belgaum vide Mutation Register MR H11/2016-17 dated 07-11-2016 [RTC enclosed as ANNEXURE-6] (Pg.369/c).

Out of this 178-14 Acre, 09-10 Acre has been acquired by NHAI for widening of NH-4, after paying compensation of Rs. 2.998 crore on 13-07-2004 to KUD. The said parcel of land (09-10 acre) has been mutated in favour of NHAI.

An abstract of present ownership of the entire 196-14 RF land in Survey number 1 of Bhutaramanahatti village is given below.

Particulars of land parcel	Present ownership	Extent ((A-G)	Mode of change(s) in ownership
Details of 18-00 Acre land reserved by Tahasildar, Belgaum, for various purposes during 1977-78	Private persons (15 numbers)	14-20	By inheritance, sale
	GOK	2-00	-
	NHAI	1-20	[Sy no. 1/1/B: 1-05 Acre (acquired through sale), Sy no. 1/1B: 0-04 Acre (acquired through land acquisition), Sy no. 1/D: 0-11 Acre (acquired through sale)
	Total (A)	18-00	
Details of 178-14 acres of land granted to Post Graduate Centre, KUD	Earlier Registrar, KUD for 178 acre 14 gunta; now, VC, RCU for 169 acre 04 gunta	169-04	Revenue Department
	NHAI	9-10	Acquired by paying value (Rs.2.998Crore) to KUD.
	Total (B)	178-14	
Grand Total (A+B)		196-14	

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.
