

F. No. 8-58/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 21st August, 2017

To,

The Principal Chief Conservator of Forest,
State Government of Karnataka,
Bangalore,

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.

Sir,

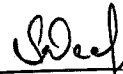
It is with reference to the forest land diversion proposal for diversion of 72.177 ha. of forest land in Sy. No. 1/1 of Bhutaramanahatti village, Belgaum Taluk and District for Establishment of Rani Chennamma University in favour of the Registrar, Rani Chennamma University, Belgaum. The proposal was placed before the Forest Advisory Committee in its meeting held on 15.06.2017. The Forest Advisory Committee observed that there are series of violation of Forest (Conservation) Act, 1980 by various agencies.

I am directed to request you to kindly come for discussion, with all relevant documents pertaining to this case, with DGF&SS on this issue and clarify under what circumstances the violation have taken place.

A meeting in this regard is fixed on 28.08.2017 (12.30 PM) in Chamber of DGF&SS, Krishna Hall, 4th Floor, Jal Wing in the Indira Paryavaran Bhawan, Jor Bagh, New Delhi. Kindly make it convenient to attend the meeting.

The minutes of FAC meeting dated 15.06.2017 is enclosed.

Yours faithfully

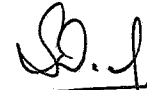


(Sandeep Sharma) 21.8.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Secretary (Forests), Government of Karnataka, Bangalore.
2. The Nodal Officer, O/o the PCCF, Government of Karnataka, Bangalore.
3. The Addl. Principal Chief Conservator of Forest, Regional Office, Bangalore
4. PPS to DGF&SS, PPS to IGF (FC)
5. DIG (NK), FC Division, Sr. AIG (NS), FC Division
6. TO(FC)
7. Monitoring Cell, FC Divisions, MoEF&CC.
8. Guard File



(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Agenda No. 6

F. No. 8-58/2016-FC

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 mentioned proposal was considered by the FAC in its meeting held on 15.06.2017 and the FAC, after examination of the proposal and discussion with user agency, observed as below:
2. 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.

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3. The proposal was placed before the FAC in its meeting held on 26th December, 2016.
4. The project is located in the Belagavi Forest Division, District Belagavi, Karnataka
5. The legal status of the forest land is Reserve Forest.
6. It is reported that the proposed area is not vulnerable to erosion
7. There are 4476 of trees enumerated/to be actually felled.
8. The vegetation density of the area is 30 to 40%.
9. The proposed area do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc
10. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
11. It is reported that total cost of the project is 10,000 lakhs
12. 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.
13. 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.
14. It is reported that the requirement of land is unavoidable and barest minimum for the project.
15. 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.
16. DCF, Belagavi division has given the suitability certificate for CA land.
17. 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..
18. It is stated that cost benefit analysis is not applicable as Rani Channamma university is a non-profit organization.
19. 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.

20. 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.
21. 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.
22. 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)

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23. State Government has recommended the proposal for approval under section 2(ii) of Forest (Conservation) Act, 1980.

24. 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.

25. After examination the facts of the above proposal by the FAC in its meeting held on 26th December, 2016 and the committee recommended as below:

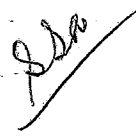
- i. Regional Office shall carry out inspection and submit Site inspection report (SIR). The matter stands deferred till such time.
- ii. State Government to explain the circumstances under which reserve forest was considered as gomel land and lease was executed in violation of provision of Forest Conservation Act, 1980.
- iii. State Government shall fix the responsibility of officials for carrying out violation of provision of Forest Conservation Act, 1980.

26. 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.

27. 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 SIR 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, occidentale etc.

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(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:

- a. Sy. No. 84 of Village Uchawade of Khanapur Taluk -3.725 ha. The land has some vegetation comprising of mango (*Magifera indica*), Aonla (*Embllica officinalis*), Sisham Dalbegia, sissoo, *Legerstroemia lanciolata*. Around 500 trees are standing now.
- b. 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*, *Terzrnialiatoznentosa*, *Butea monosperma*, *Syzygiuzrz, cuznini*, *Embllica officinalis*, *Acacia auriculiformis* etc.
- c. 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.
- d. Sy. No. 123 of village Amte of Khanapur Taluk-7.296 ha. is full of cashew plantation along-with *Terminalia paniculata*, *Terxrzrnialiatomentosa*, *Legerstroemia lanciolata* 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.
- e. 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:**
- 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.
 - 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
 - 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.
 - 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

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- requirement of felling of trees. Therefore adequate Soil and Moisture Conservation measures will be required to control soil erosion.
28. 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.

Recommendation of FAC

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.
