

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ,
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ,

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003

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No. A5(2).GFL.CR-05/2012-13

E-office File No. KFD/HOFF/A52K(GFL)/45/2018-FC-KFD

E-66202

Date 28-05-2020

To,

The Additional Chief Secretary to Government
Forest, Ecology and Environment Department
M.S. Building, Dr. Ambedkar Veedhi, Bengaluru – 560 001

Sir,

Sub: Diversion of 0.05 hectare of forest land in Shirwad village F.Sy No.17, Kinnara Hobli, Karwar Taluk, Uttar Kannada District (Karwar Forest Division) for the purpose of Cemetery for Jehovah's Witnesses in favour of Karwar Congregation of Jehovah's Witnesses, Karwar

Proposal No. FP/KA/Others/30137/2017

- Ref:**
1. Online proposal [FORM-A PART-I] dated 22-03-2019 (resubmitted) of Congregation of Jehovah's Witnesses Nandagadda, Karwar and uploading of acknowledgment on 28-10-2019 for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 2. This office online communication dated 02-11-2019 to Deputy Conservator of Forests, Karwar Division for further processing of the proposal
 3. Online submission of PART-II on 28-02-2020 by Deputy Conservator of Forests, Karwar Division [letter No. B4/GFL/FCA/CR-17/2019-20 dated 25-02-2019]
 4. Online submission of PART-III on 20-03-2020 by the Chief Conservator of Forests, Kanara Circle [letter No. B2/GFL/Cemetery /CR-35/2019-20/4801 dated 19-03-2020]

1. The Co-ordinator, Congregation of Jehovah's Witnesses, Nandagadda, Karwar [USER AGENCY] has (re)submitted an online proposal [FORM-A PART-I] vide Ref (1) on 22-03-2019 seeking approval under the Forest (Conservation) Act, 1980 for diversion of 0.05 hectare of forest land in Shirwad village F.Sy

No.17, Kinnara Hobli, Karwar Taluk, Uttar Kannada District (Karwar Forest Division) for the purpose of Cemetery for Jehovah's Witnesses. The same was accepted by Nodal Officer (FCA) on 28-03-2019 for further processing. After receiving the Acknowledgement online on 28-10-2019 from User Agency for having delivered the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner, the online link was forwarded by this office vide Ref (2) to the Deputy Conservator of Forests, Karwar Division for field verification and further processing under Section 2 of the Forest (Conservation) Act, 1980.

2. **Location details and Component wise break up:** Location details and Component-wise breakup of the forest land proposed for diversion are given below.

District, Taluk, Hobli	Village	Sy No.	Name of Project Component	Forest Land proposed for diversion (ha)	Legal status of Land
Utthara Kannada District, Karwar Taluk, Kinnara Hobli	Shirwad	17A	Cemetery	0.05	Reserved Forest
Total				0.05	

3. **DCF, Karwar Division Report:** The Deputy Conservator of Forests Karwar Division has inspected the spot on 25-02-2020 and has submitted the Site Inspection Report, the details of the area along with the recommendation in PART-II of the proposal vide Ref (3) to Chief Conservator of Forests, Kanara Circle. Main features of the proposal based on the DCF, Karwar Report r/w the report of the CCF, Kanara Circle and that of the ICT Centre of Forest Department are as follows.

- The forest land proposed for diversion is in general landscape of Eco-Class-I (Tropical Wet Evergreen Forests/ Tropical Semi Evergreen Forests/ Topical Moist Deciduous Forests). The land is degraded barren and lateritic with Very Dense Forest (>60% canopy density) nearby.
- As per Item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
- The forest area has various species of wild animals such as Leopard, Sloth Bear, Jungle cat, Chital, Sambar, Porcupine, Peafowl, etc.
- There are above rare / endangered / unique species of flora and fauna reported around the forest area proposed for diversion.

- e. The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- f. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land proposed for diversion.
- g. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- h. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
- i. The forest area proposed for diversion is the bare minimum and unavoidable.
- j. There is no violation reported under Forest (Conservation) Act, 1980.

The Deputy Conservator of Forests, Karwar Division, in his Site Inspection Report has reported that the proposed Cemetery is just adjacent to the road and that there is acute shortage of public land other than forest land in Karwar town.

4. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle has inspected the proposed area personally on 17-03-2020 and vide Ref (4) has submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Karwar Division, the Chief Conservator of Forests, Kanara Circle has also recommended the proposal.
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has submitted an Undertaking dated 10-10-2018 to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** The forest area proposed for diversion is less than one hectare and is governed by Para 3.2 (viii)(b) of the Government of India FC Guidelines (*old version, as the new version is silent in this regard*), which provides exemption from raising Compensatory Afforestation (CA). However, the Para 2.6(i) of the latest FC Guidelines mandates planting of ten times the number of trees likely to be felled (subject to a minimum of 100 plants). In present case, there are no trees on forest land as reported in Item 4(ii) of PART-II of the proposal.

7. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency has not obtained/ furnished the requisite **Certificate in FORM-II (for Non-linear/ Hybrid projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency is being informed again to obtain the said certificate in prescribed format and submit a copy.**

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to consider moving to Government of India seeking 'in-principle' (Stage-I) approval under Forest (Conservation) Act, 1980 for diversion of 0.05 hectare of forest land in Shirwad village F.Sy No.17, Kinnara Hobli, Karwar Taluk, Uttar Kannada District (Karwar Forest Division) for the purpose of Cemetery for Jehovah's Witnesses in favour of Karwar Congregation of Jehovah's Witnesses, Karwar for a period of 20 years (or earlier as per actual use) subject to production of RoFR certificate in FORM-II (for Non-linear/Hybrid projects) as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and also further subject to conditions appended in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully

(Sanjai Mohan, IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

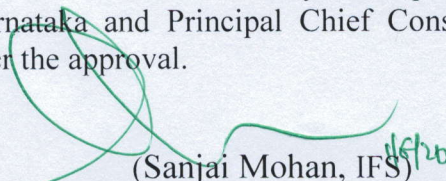
Copy to the:

1. Chief Conservator of Forests, Kanara Circle Sirsi for information.
2. Deputy Conservator of Forests, Karwar Division, Karwar for information.
3. Sri Jacky D'Silva, Co-ordinator, Congregation of Jehovah's Witnesses Nandagadda, Karwar for information and **with a request to obtain and produce the RoFR Certificate in FORM-II (for Non-linear projects) issued by Deputy Commissioner as per Annexure II of the FC Guidelines**

**communicated by Government of India, Ministry of Environment, Forests
and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019.**

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be the forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. 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 two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
6. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case, no renewal is sought, the Lessee shall hand over the lease.
7. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
8. No crushing / breaking of stones or labour camp shall be allowed inside forest area and all waste / debris generated shall be scientifically disposed off outside the forest area.
9. Any damage to forest area because of implementation of the project shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
10. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
11. No change in Land Use Plan shall be done unless prior approval of Government of India under FC Act is obtained.
12. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests and/or Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
13. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
14. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.


(Sanjai Mohan, IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).</i></p>	<p>Recommended for moving to Government of India seeking diversion of 0.05 hectare of forest land in Shirwad village F.Sy No.17, Kinnara Hobli, Karwar Taluk, Uttar Kannada District (Karwar Forest Division) for the purpose of Cemetery for Jehovah's Witnesses in favour of Karwar Congregation of Jehovah's Witnesses, Karwar for a period of 20 years (or earlier as per actual use) subject to production of RoFR certificate in FORM-II (for Non-linear/Hybrid projects) as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and also further subject to conditions appended in Annexure 'A'.</p> <p>Proposal No.: FP/KA/Others/30137/2017</p>
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Signature:

Name:

Designation:

(Rajiv Ranjan, IFS)

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

Signature:

Name:

Designation:

(Sanjai Mohan, IFS)

**Principal Chief Conservator of Forests
(Head of Forest Force)**

N.D.O. No.

/2020-21

(Official Seal)

Dated

/05/2020