

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 ಅಡ್ಡರಸ್ತೆ,

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Encl.

E-64228

Date 13-10-2020

To,

The Additional Chief Secretary to Government  
Forest, Ecology & Environment Department  
M.S. Building, Bengaluru-560 001

Sir,

**Sub:** Diversion of 3.238 hectare (8-0-0 Acre) of forest land in Unkal village F.Sy.No. 68, Kasaba Hobli, Hubballi Taluk, Dharwad District for educational purpose (Construction of Auditorium, College Building, Ladies & Boys/ Hostels, Play Ground, Indoor Games Room, etc., in favour of Veman Vidyavardhaka Sangha, Hubli (*Pre-FCA lease given in the name of Reddy Educational and Social League, Dharwad*))

**Proposal No: FP/KA/SCH/48494/2020 [FORM-A]**

- Ref:**
1. Government of Karnataka Order No. AFD 218 FGL 73 dated 10-12-1973 [*original forest lease for 30 years*]
  2. Online Proposal [FORM-A PART-I] dated 10-08-2020 of the Chairman, Vemana Vidyavardhaka Sanga Hubballi-Dharwad r/w uploading of Acknowledgement on 04-09-2020 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservators of Forests and Deputy Commissioner
  3. This office online communication dated 05-09-2020 to Deputy Conservators of Forests, Dharwad Division for further processing of the proposal
  4. Online submission of PART-II by Deputy Conservator of Forests, Dharwad Division on 10-09-2020 [*Letter No.C3/FCA/Veman Vidyavardhak Sangh/CR-/2020-21/1194 dated 09-09-2020*]
  5. Online submission of PART-III by Chief Conservator of Forests, Dharwad Circle on 15-09-2020 [*Letter No. A1/Land/GFL/Veman/CR-/2020-21/1022 dated 16-09-2020*]

#### A. Background:

1. **Original (Pre-FCA) lease:** The Government of Karnataka vide Ref (1) Order dated 10-12-1973 had accorded sanction the lease of 8-00 Acre of forest land in Unkal village F.Sy No. 68, Dharwad District in favour of Raddi Educational and Social League, Dharwad for educational purpose for a period of 30 years. The lease period expired on 09-12-2003.
2. Subsequently, the Secretary, Vemana Vidyavardhaka Sangha Hubballi-Dharwad vide letter No. NIL Dated 30-12-2002 requested the Government of Karnataka for further renewal of the lease period for another 30 years. The same was forwarded by the Government of Karnataka vide letter No. FEE 12 FLL 2003 dated 06-02-2003 to this office for further action. Accordingly, this office vide letter of even number dated 29-03-2003 forwarded the same to the field officers for further processing.
3. The Conservator of Forests, Dharwad Circle vide letter no. A2/GFL/Lease Period Extension/2003-04 dated 03-03-2004 submitted the formal proposal to this office.
4. In response, this office vide letter of even number dated 20-07-2004 (and subsequent reminder dated 22-07-2005) informed the Conservator of Forests, Dharwad Circle that the proposal was a case of fresh proposal under Forest (Conservation) Act, 1980 and Rules 2003 and thus could not be treated as that of renewal. The Conservator of Forests, Dharwad Circle was directed to submit the proposal in FORM-A.
5. Accordingly, the Conservator of Forests, Dharwad Circle vide letter No. INS/GFL/GL/LEASE/UNKAL/CR-14/03-04/2009-10/1517 dated 19-09-2009 submitted the proposal in FORM-A.
6. After prolonged correspondence with the field officers and with User Agency, this office submitted the Stage-I proposal to Government of Karnataka vide letter of even number dated 16-12-2014.
7. The same was submitted by the Government of Karnataka to Government of India vide letter No. FEE 153 FLL 2014 dated 16-06-2015. In turn, the Government of India vide letter F.No. 4-KRB 1058/2015-BAN/7267 dated 13-07-2015 and subsequent letters sought information on multiple points resulting in a prolonged correspondence once again.
8. The Government of India vide letter F.No. 4-KRB 1058/2015-BAN/140 dated 04-06-2020 sought a fresh FC proposal with revised requirement of area. The same was forwarded to this office by Government of Karnataka vide letter No. FEE 153 FLL 2014 dated 24-06-2020. Therefore, this office vide letter of even number dated 08-07-2020 informed the User Agency to take further action on the matter.

9. Thus, the FC Proposal submitted by User Agency after expiry of lease period (i.e., 09-12-2003) could reach proper maturity to be submitted to Government of India through the State government

**B. The instant online proposal (FP/KA/SCH/48494/2020):**

1. Accordingly, the Chairman, Vemana Vidyavardhaka Sangha, Hubballi-Dharwad [USER AGENCY] vide Ref (2) has submitted an online proposal [FORM-A PART-I] on 10-08-2020 through FC Web Portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 3.238 hectare (8-0-0 Acre) of forest land in Unkal village F.Sy.No. 68, Kasaba Hobli, Hubballi Taluk, Dharwad District for educational purpose (Construction of Auditorium, College Building, Ladies & Boys/ Hostels, Play Ground, Indoor Games Room, etc. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Dharwad Division and Deputy Commissioner, Dharwad District and has also uploaded the Acknowledgment on the web portal on 04-09-2020. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (3) to the Deputy Conservator of Forests, Dharwad Division for further processing of the proposal under FC Act.
2. **Location-wise and Component-wise breakup:** The location details and breakup of the forest land required for the project are given below.

District, Taluk, Hobli	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal Status of Land
Dharwad District, Hubballi Taluk, Kasaba Hobli	Unakal	68	3.238	Protected Forest*
<b>Total</b>			<b>3.238</b>	

*\*The erstwhile Bombay Government Notification No. FLD 1154/0011-E dated 09-02-1955 under Section 29 of the Indian Forest Act, 1927 [Note: The entry made in Item No. 2 of PART-II may be read accordingly.]*

The Component-wise breakup of the forest land required for the project is given below.

Name of component		Forest extent required (ha)
1	Auditorium Area	0.263
2	Open space	1.421
3	Ladies Hostel	0.233
4	College Building	0.111
5	Landscapes	0.306

6	Existing Building	0.045
7	Auditorium wall	0.01
8	Boys Hostel	0.163
9	Play Ground Area	0.291
10	Parking Area	0.229
11	Indoor Games Room	0.166
<b>Total</b>		<b>3.238</b>

The User Agency has uploaded the proposed Land Use Plan (Component-wise Map) in the Additional Information Details of PART-I of the proposal. The hard copies are enclosed. Further the Deputy Conservator of Forests, Dharwad Division in his Site Inspection Report dated 07-09-2020 has reported that the present/existing approach road to the forest area proposed for diversion is not a forest land. Hence, the proposal does not include any approach road

**3. DCF, Dharwad Division Report:** The Deputy Conservator of Forests, Dharwad Division, Dharwad has inspected the site on 07-09-2020 and vide Ref (4) has submitted his Site Inspection Report along with recommendation in PART-II to Chief Conservator of Forests, Dharwad Circle. Main features of the proposal based up on the report of Deputy Conservator of Forests, Dharwad r/w report of Chief Conservator of Forests, Dharwad Circle and that of ICT Centre of Forest Department are summarized below.

- a. The forest land proposed for diversion is located at the base of Unakal hillock. Part (less than two acre) of the land has a steep slope, while the rest of the area is an undulating terrain with gentle slope. The User Agency is therefore required to undertake proper Soil and Moisture Conservation works and also the greening of the vacant land to stabilise the earth on slopes.
- b. The forest land proposed for diversion is in general landscape of Eco-Class III (Tropical Dry Deciduous Forests) with a Canopy Density of up to 0.4 (Open Forest).
- c. As per Item 4(ii) of PART-II, there are 693 trees in various girth classes in the forest land proposed for diversion. Main species include *Azadirachta indica*, *Pongamia pinnata*, *Bauhinia purpurea*, *Dalbergia sisoo*, *Holoptelea integrifolia*, *Peltophorum pterocarpum*, *Cassia fistula*, *Santalum album*, *Eucalyptus* spp. among others.
- d. Major wild animals present in and around the project area include the Black-naped hare, Bonnet macaque and various bird species including Peafowl.
- e. There are no other rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.

- f. 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.
- g. There is 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.
- h. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- i. There are no Protected/ Archaeological/ Heritage Sites/ Defence establishments located in the proposed area.
- j. The forest area proposed for diversion is the bare minimum and unavoidable.
- k. There is no violation reported under Forest (Conservation) Act, 1980.

**Additional information:** The Deputy Conservator of Forests, Dharwad Division in his Site Inspection Report has further reported that, out of 8-00 acre originally leased land, the User Agency has constructed two buildings in an area of about 5 acre- one measuring approximately 4162 sq.ft and another 308 sq.ft, thus totalling 4470 sq.ft (or 0.1026 acre). Another 27 *gunta* land has been levelled by the User Agency.

4. **CCF, Dharwad Circle Report:** The Chief Conservator of Forests, Dharwad Circle has inspected the site on 10-09-2020 and has uploaded his Site Inspection Report dated 15-09-2020 in Item No.15 of PART-II/ III of the proposal online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Dharwad Division, the Chief Conservator of Forests, Dharwad Circle has also recommended the proposal and vide Ref (5) has submitted his report.
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 uploaded / submitted an Undertaking dated 08-08-2020 agreeing to pay the charges towards Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** As the instant proposal is a fresh proposal under FC Act, the User Agency is required to provide an equivalent extent of suitable non-forest land in accordance with FC guidelines. During the processing of previous offline FC proposal, the User Agency had identified the following private non-forest land over an extent of 3.238 hectare for raising compensatory afforestation and handed over to the Forest Department.

District	Village	Sy No.	Extent		Remarks on mutation in favour of Forest Department
			Acre- Gunta	Hectare	
Gadag District, Shitahatti Taluk, Shirahatti Hobli	Kusalapur	18/2A/1	3-05	1.265	Vide MR No. H 48/2011-12 dated 16-07-2012
		18/2A/2	3-05	1.265	Vide MR No. H 48/2011-12 dated 16-07-2012
		18/2A/3	0-35	0.354	Vide MR No. H 8/2012-13 dated 10-03-2013
		18/2A/5 ( <i>pot kharab</i> )	0-35	0.354	Vide MR No. H 48/2011-12 dated 16-07-2012
Total			8-00	3.238	

[Note: Conversion factor above is taken as 1 hectare = 2.471 acre]

In addition, the User Agency is also required to pay the CA charges as per prevailing rates. **Accordingly, the User Agency has furnished an Undertaking dated 08-08-2020 to pay the stipulated CA charges.**

Further, the User Agency has enclosed the CA land information in the form of KML file, Topo Map, Geo- referenced map along with the GPS readings and RTCs for above four land parcels and Mutation Register entries for three of them in Item L and additional information details of PART-I of the proposal. Further, the Deputy Conservator of Forests, Gadag Division has inspected the site of above CA land on 08-09-2020 and has enclosed the CA land suitability Certificate dated 09-09-2020 in the prescribed format. Similarly, the Deputy Conservator of Forests, Dharwad Division has also uploaded the CA land information in Item 13 of the PART-II of the proposal. He has also enclosed a CA scheme, even if the CA land is in Gadag Division). The hard copies of the CA land information are enclosed herewith.

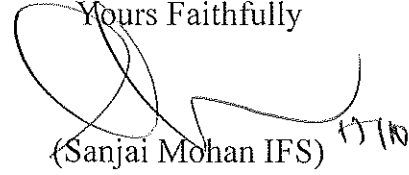
- Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency is required to obtain the RoFR Compliance Certificate in **FORM-II (for Non-linear/Hybrid Projects)** from the jurisdictional Deputy Commissioner as per the FC Guidelines. Accordingly, the User Agency has obtained the required **RoFR Certificate in FORM-II (for Non-linear/Hybrid Projects)** issued by the Deputy Commissioner, Dharwad District vide No. FOR/CR-87/2018-19 dated 09-10-2018 and has uploaded the photocopy in Item K(i)(a) of PART-I of the proposal. However, the User Agency is being informed to submit authenticated/attested copies of the same.

In light of the facts stated above and agreeing with the recommendation of the field officers, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 3.238 hectare (8-0-0 Acre) of forest land in Unkal village F.Sy.No. 68, Kasaba Hobli, Hubballi Taluk, Dharwad District for educational purpose (Construction of Auditorium, College

**Building, Ladies & Boys/ Hostels, Play Ground, Indoor Games Room, etc., in favour of Veman Vidyavardhaka Sangha, Hubli for a period of twenty (20) years subject to the 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 (Timeline) of the proposal obtained from the FC web portal is also appended for information.

Yours Faithfully



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

**Copy to the:**

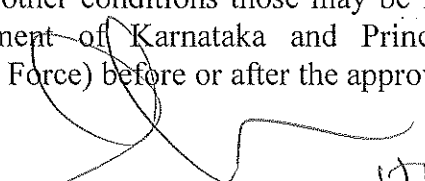
1. Chief Conservator of Forests, Dharwad Circle, Dharwad for information.
2. Deputy Conservator of Forests, Dharwad Division, Dharwad for information.
3. Chairman, Vemana Vidyavardhaka Sanga Hubballi-Dharwad, K.H.Patil College Campus, Vidyanagar, Hubballi – 580 031 for information and with a request to submit the authenticated/attested copies of the **RoFR Certificate in FORM-II (for Non-linear/Hybrid Projects)** issued by the Deputy Commissioner, Dharwad District vide No. FOR/CR-87/2018-19 dated 09-10-2018, as the photo copy uploaded by you in PART-I of the proposal is not properly legible.





## ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, 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 or 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. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
7. 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.
8. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
9. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
10. Any damage to forest area because of implementation of the proposal 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.
11. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
12. In case, any violation of the provisions of the Karnataka Forest Act, 1963 and 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 / 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.

  
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 &amp; 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 the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 3.238 hectare (8-0-0 Acre) of forest land in Unkal village F.Sy.No. 68, Kasaba Hobli, Hubballi Taluk, Dharwad District for educational purpose (Construction of Auditorium, College Building, Ladies &amp; Boys/ Hostels, Play Ground, Indoor Games Room, etc., in favour of Veman Vidyavardhaka Sangha, Hubli for a period of twenty (20) years subject to the conditions appended in Annexure 'A'.</p> <p>[Proposal No. FP/KA/SCH/48494/2020]</p>
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Signature:



Name:

(Rajiv Ranjan IFS)

Designation:

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

(Official Seal)

Countersigned by:



Name:

(Sanjai Mohan IFS)

Designation:

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

(Official Seal)

N.D.O. No: /2020-21

Date: -10-2020

