

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

Office of

Principal Chief Conservator of Forests

(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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E-office File. No.KFD/HoFF/A5-4(GFL)/2/2019-FC

E-71550

Enclosures :- 3

Date 27-01-2022

To,

The Additional Chief Secretary to Government

Forest, Ecology & Environment Department

M.S. Building, Bengaluru-560 001

Sir,

Sub: *Ex-post facto* approval for diversion of 7.81 hectare of forest land in Doddamannugudde Village Sy No. 1, Kasaba Hobli, Ramanagara Taluk and District for already constructed Government Engineering College in favour of the Principal, Government Engineering College, Near Janapadaloka, Ramanagara

Proposal No. FP/KA/OTHERS/34662/2018 [Form-A]

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 14-12-2020 (re-submitted) of the Principal, Government Engineering College, Near Janapadaloka, Ramanagara r/w uploading of acknowledgement on 21-01-2021 for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests & Deputy Commissioner
 2. This office online communication dated 22-01-2021 to Deputy Conservator of Forests, Ramanagara Division for further processing of the proposal
 3. Online submission of PART-II by Deputy Conservator of Forests, Ramanagara Division on 08-12-2021 [Letter No.A5/LND/FC/CR-140/2019-20 dated 16-12-2021]
 4. Online submission of PART-III by Chief Conservator of Forests, Bengaluru Circle on 29-12-2021 [Letter No.A11/BHOOMI/CR-68/2021-22 dated 28-12-2021]

1. The Principal, Government Engineering College, Ramanagara [USER AGENCY] vide ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for

ex-post facto approval for diversion of 7.81 hectare of forest land in Doddamannugudde Village Sy No. 1, Kasaba Hobli, Ramanagara Taluk and District for already constructed Government Engineering College. 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, Ramanagara Division & Deputy Commissioner, Ramanagara District and has uploaded the acknowledgment on the web portal on 21-01-2021. Accordingly, an online communication was made by Nodal Officer vide ref (2) to the Deputy Conservator of Forests, Ramanagara Division for further processing of the proposal under FC Act.

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

District, Taluk, Hobli	Village	Sy No.	Forest extent proposed for diversion (ha)	Legal Status of Land
Ramanagara District, Ramanagara Taluk, Kasaba Hobli	Doddamannugudde	1	7.81	*Reserved Forest
Total			7.81	

**Mysore Government Notification No. 422-Ft. F. 15-1900 dated 17-10-1900 (Gazette No. 16 dated 19-04-1884)*

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

Name of component		Forest extent required (ha)
1	Internal road	0.905
2	Sport complex building	0.176
3	Work shop building	0.290
4	Boys hostel	0.149
5	Girls hostel	0.149
6	Library building	0.145
7	Guest house building	0.051
8	Filled rocky area	1.480
9	Open space	3.467
10	Govt Engineering College	0.999
Total		7.810

3. **DCF, Ramanagara Division Report:** The Deputy Conservator of Forests, Ramanagara Division has inspected the proposed area on 03-12-2021 vide ref (3) has submitted his site inspection report along with recommendation in PART-II to Chief Conservator of Forests, Bengaluru Circle. Based on the Deputy Conservator of Forests, Ramanagara report r/w report of Chief Conservator of Forests, Bengaluru Circle and that of ICT Centre of Forest Department main features of the proposal are summarized below.
- a. The forest land proposed for diversion is open forest and is vulnerable to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of Eco-Class IV (tropical dry deciduous) with canopy density up to 0.4 (open forest). [Note: The entry made in Item 4(i) of PART-II may be read accordingly.]
 - c. As per Item 4(ii) of PART-II, there are 17 trees in different girth classes in the forest land proposed for diversion. Main species include *pongamia pinnata*, *swietenia mahagoni*, *tectona grandis* and *thespesia populnea*.
 - d. There are no major wild animals reported in and around the project area.
 - e. There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
 - f. There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
 - g. 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.
 - h. There are no national park/ wildlife sanctuary/ biosphere reserve/ tiger reserve/ elephant corridor/ wildlife migration corridor within one kilometre from the boundary of the forest land proposed for diversion.
 - i. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any protected area notified under Wildlife (Protection) Act, 1972.
 - j. There are no protected/ archaeological/ heritage sites/ defence establishments located in the proposed area.
 - k. The forest area proposed for diversion is the bare minimum and unavoidable.
 - l. **FC violation:** A detailed account of the case is given separately in this proposal.
4. **CCF, Bengaluru Circle Report:** The Chief Conservator of Forests, Bengaluru Circle has not inspected the site personally. However, agreeing with the recommendation made by the Deputy Conservator of Forests, Ramanagara Division, the Chief Conservator of Forests, Bengaluru Circle has also recommended the

proposal. Specific comments of the Chief Conservator of Forests, Bengaluru Circle are mentioned in PART-III of the proposal cited at ref (4) above.

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 will be required to pay the charges at revised rates as per the revised orders issued by Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), New Delhi vide letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022. The User Agency has submitted an undertaking to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
6. **Compensatory Afforestation (CA):** The User Agency being a State Government Agency is required to provide an equivalent extent of non-forest land towards compensatory afforestation. Accordingly, **the User Agency has proposed an extent of 8.01 Ha of non-forest land (Sarkari Gomala) in Chikkenahalli Village Sy No. 227/p27, Kasaba Hobli, Channapatana Taluk, Ramanagara district for Compensatory Afforestation purpose. The Deputy Commissioner, Ramanagara District vide Letter No. LND/CR/25/2006-07 dated 29-11-2019 has issued no-objection certificate for transfer of the said land to Forest Department.** The process of mutation and formal transfer of the said land is underway. The Deputy Conservator of Forests, Ramanagara has inspected the said land on 03-01-2020 and has issued CA land suitability certificate dated 03-01-2020. He has also submitted the CA scheme. The User Agency has provided the CA related information for the proposal. The CA details in the form the topo map, geo-referenced map along with GPS readings of all corners, CA suitability certificate dated 03-01-2020 and CA scheme are enclosed herewith. **Further, the User Agency has also submitted an undertaking dated 09-09-2020 to pay the compensatory afforestation charges.**
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 is required to obtain the RoFR Compliance Certificate in **FORM-II (for Non-linear/Hybrid Projects)** from 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 has not furnished such certificate, but has uploaded **an undertaking in Item K(i)(a) of PART-I of the proposal to obtain the FRA certificate and submit it before the final approval under FCA.**

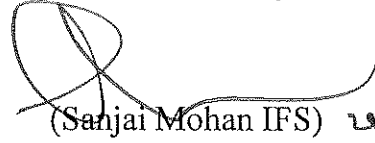
8. FC Violation and connected issue:

- i. To meet the requirement of the higher technical education for the youth of Karnataka State in the newly formed Ramanagara District (2008-09) the Government of Karnataka vide Notification No. ED:50:TEC:2007/1 dated 06-07-2007 has ordered to establish a Government Engineering College at Ramanagara.
- ii. Further, for establishment of this college Sri D.K. Rangaswamy, the then Deputy Commissioner Bangalore Rural District vide letter No. LND(RAM)/CR/24/2007-08 dated 13-07-2007 had identified 7.81 hectares of land in Sy No. 1 Doddamangudde Village of forest area.
- iii. Sri A. N. Tyagaraju, the then Executive Engineer, Public Works Department Bangalore Rural Division had issued work order for civil works to M/s Rao Construction, Bannerughatta Road, Bangalore vide Order No. 66/2007-08 dated 01-10-2007.
- iv. Later, the Assistant Executive Engineer, Public Works Department, Ramanagara handed over the building to the user agency vide letter No. PWD/No.1Sub.Div/RMGR/2010-11/148-53 dated 26-05-2010. Since then the institution was running at the current location.
- v. Meanwhile, Karnataka Forest Department has lodged forest offence case (FOC) on 27-05-2008 for illegal construction of the Government Engineering College in forest land and an enquiry was carried out by the Assistant Conservator of Forests, Ramanagara sub-division, after getting confirmation of the said land as forest land as per Mysore Government Notification No. 422-Ft. F. 15-1900 dated 17-10-1900 (Gazette No. 16 dated 19-04-1884), dated 01-11-2016 and ordered for eviction of encroachment by the Government Engineering College under section 64(A) of Karnataka Forest Act, 1963.
- vi. The User Agency has appealed to the Appellate Authority (Appeal No. 284/2016-17) and during the enquiry by the Appellate Authority on 08-12-2017, the User Agency had requested for some time for submission of proposal for regularization under the Forest Conservation Act 1980. At present the appeal is pending at the final stage. The User Agency has uploaded the proposal on Parivesh web portal for ex-post facto approval on 12-01-2019. The proposal submitted by the Deputy Conservator of Forests Ramanagara on 29-12-2021 has been verified and processed by this office.
- vii. It is reported by the field officers that the college is already functioning in the said area and the Government Engineering College being a subsidiary body of the government the above proposal may be considered for in-principle Stage-I approval.

In view of the above and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, for according an *ex-post-facto* 'in-principle'(Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 7.81 hectare of forest land in Doddamannugudde Village Sy No. 1, Kasaba Hobli, Ramanagara Taluk and District for already constructed Government Engineering College in favour of the Principal, Government Engineering College, Ramanagara for a period of 20 years subject to submission of FRA Certificate in FORM-II (for non-linear/hybrid Projects) from 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 and further subject to the conditions specified 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 FC web-portal is also appended for information.

Yours faithfully,



(Sanjai Mohan IFS) 21/1
Principal Chief Conservator of Forests
(Head of Forest Force)

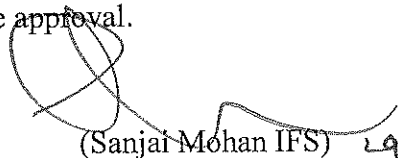
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Copy to the:

1. Chief Conservator of Forests, Bengaluru Circle, Bengaluru for information.
2. Deputy Conservator of Forests, Ramanagara Division for information.
3. Principal, Government Engineering College, Near Janapadaloka, BM Road, Ramanagara -562 159 for information and **with a request to obtain and provide a copy of FRA Certificate in FORM-II (for Non-linear/Hybrid Projects) from 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 at the earliest.**

ರವಿಶಂಕರ
08.03.21-1-2022

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 & 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 & 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.


(Sanjai Mohan IFS) 29/11
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 ‘ex-post-facto’ approval, Stage-I clearance and to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, for according an <i>ex post facto</i> ‘in-principle’ (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 7.81 hectare of forest land in Doddamannugudde Village Sy No. 1, Kasaba Hobli, Ramanagara Taluk and District for already constructed Government Engineering College in favour of the Principal, Government Engineering College, Near Janapadaloka, Ramanagara for a period of 20 years subject to submission of FRA Certificate in FORM-II (for Non-linear projects) and further subject to the conditions appended in Annexure ‘A’.</p> <p>[Proposal No. FP/KA/Others/34662/2018]</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:

(SANJAY MOHAN IFS)

Designation:

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

(Official Seal)

N.D.O. No: 45/2021-22

Date: 31-01-2022

