

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ



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/A5-3(GFL)/3/2018-FC

Encl. 3 *Self*

E-62826

Date 29-07-2020

03-08

To,

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

Sir,

o/c copy

Sub: Diversion of 0.0642 hectare of forest land in Purudal Village Sy No. 1, Kasaba Hobli, Shivamogga Taluk & District (Purudal State Forest, Shettihalli Wildlife Sanctuary, Shivamogga Wildlife Division) for laying of underground water pipeline from Purudala village Sy No. 21 (Patta land as per RTC) to Aladevara Hosur village Sy No. 92 (another Patta land) for agricultural purpose in favour of Sri Avinash Doddamanegowda Benakappa, Agriculturist, 'Shantala', Ist Cross, Gandhinagar, Shivamogga

Proposal No. FP/KA/Others/36486/2018

- Ref:**
1. Online proposal [FORM-A PART-I] dated 14-12-2018 (resubmitted) of Sri Avinash Doddamanegowda Benakappa, Agriculturist, 'Shantala', Ist Cross, Gandhinagar, Shivamogga r/w uploading of Acknowledgement on 03-01-2019 for having delivered the hard copy of proposal to jurisdictional DCF and DC
 2. This office online communication dated 04-01-2019 to Deputy Conservator of Forests, Shivamogga Wildlife Division for further processing of proposal
 3. Online submission of PART-II on 31-01-2019 by Deputy Conservator of Forests, Shivamogga Wildlife Division r/w online reply dated 04-06-2020 to the latest EDS Query [Letter No. B4/Land/GL-2166/2019-20 dated 30-09-2019, 04-02-2020, 28-04-2020 and 05-06-2020 addressed to Chief/ Conservator of Forests, Shivamogga Circle]
 4. Online submission of PART-III on 31-05-2019 by the Conservator of Forests, Shivamogga Circle r/w online reply dated 04-06-2020 to the latest EDS Query of Nodal Officer [Letter No. A4/Land/Purdal FC/CR-21/2018-19 dated 27-11-2019, 13-02-2020, 28-04-2020 and 16/17-06-2020]

1. Sri Avinash Doddamanegowda Benakappa, Agriculturist, 'Shantala', Ist Cross, Gandhinagar, Shivamogga [USER AGENCY] vide Ref (1) has (re)submitted an online proposal [FORM-A PART-I] on 03-01-2019 through FC web portal for diversion of 0.0642 hectare of forest land in Purudal Village Sy No. 1, Kasaba Hobli, Shivamogga Taluk & District (Purudal State Forest, Shettihalli Wildlife Sanctuary, Shivamogga Wildlife Division) for laying of underground Water Pipeline from Purudala village Sy No. 21 (*Patta land as per RTC*) to Aladevara Hosur Village Sy No. 92 (another Patta land) for agricultural purpose seeking approval under Section 2 of the Forest (Conservation) Act, 1980. After uploading of Acknowledgement on 03-01-2019 by User Agency for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Shivamogga Wildlife Division to process the proposal and to submit specific opinion / recommendation.
2. **Location details and Component-wise break up:** Location details and the Component-wise breakup of the forest land proposed for diversion is given below.

District, Taluk, Hobli	Village	Sy No.	Project component	Forest extent proposed for diversion (ha)	Legal Status of land
Shivamogga District, Shivamogga Taluk, Kasaba Hobli	Purudal	21	Underground Water pipeline (<i>for irrigation</i>) along road (1284 m x 0.50 m)	0.0642	Reserved Forest [<i>Purudal State Forest, Shettihalli Wildlife Sanctuary</i>]
Total				0.0642	

3. **Report of DCF, Shivamogga Wildlife Division:** The Deputy Conservator(s) of Forests, Shivamogga Wildlife Division has/have inspected the project site on 02-02-2019, 06-02-2019, 03-02-2020 and vide Ref (3) has/have submitted the Site Inspection Report dated 22-04-2019 and 28-04-2020 along with other information in PART-II to the Chief/ Conservator of Forests, Shivamogga Circle. Main features of the DCF report r/w with the report of the CF, Shivamogga Circle and that of ICT Centre of the Forest Department are given below.
 - a. The forest land proposed for diversion is plain and not much vulnerable to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of Eco-Class I (Topical Moist Deciduous Forests) with Open Forest (Canopy density up to 0.4).
 - c. As per Item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
 - d. The area has the Spotted deer as one of the major species of wild animals found.

- e. There are no other rare / endangered / unique species of flora and fauna reported in the proposed area.
 - f. The forest area proposed for diversion forms part of Shettihalli Wildlife Sanctuary.
 - g. There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
 - h. The forest area proposed for diversion is the bare minimum and unavoidable.
 - i. There is no violation reported under the Forest (Conservation) Act, 1980.
4. **Remarks on legal status of the land in question:** The instant proposal involves drawing of water from a bore well in an agricultural land bearing Sy No. 21 of Purudal village and taking it through proposed underground water pipeline along a road in Sy No. 1 of Purudal village to its destination point (a nearby Patta land in Sy No. 92 of Aladevara Hosuru village) for irrigation / agricultural purpose. There is following complexity in the legal status of Sy No. 21 of Purudal village.
- i. RTC of Sy No. 21 is in the name of one Basappa bin Maradi Bheemappa in Column 9 and has an extent of 2-20 acre.
 - ii. Sy No. 1 is a State Forest (Reserved Forest) land which was notified vide No. G1. 23538 - R3737 dated 19-06-1895.
 - iii. Purudal State Forest is in turn a part of Shettihalli Wildlife Sanctuary which was notified vide Notification No. AFD 47 FWL 74 dated 23-11-1974.
 - iv. Certain part of Purudal Reserved Forest Sy No. 1 land was released by Government of Karnataka in distant past for the persons affected by river projects [*As per the photocopies enclosed by Applicant: Government Order No. AFD 134 FGL 61 dated 10-04-1962 (32-0 acre) and Government Order No. AFD 54 FGL 63 dated 30-04-1963 (19-0 acre)*].
 - v. Sy No. 21 was carved out by Revenue Department from original Sy No. 1 and thus was originally part of a properly Notified RF.
 - vi. Tahasildar, Shimoga Taluk vide Order dated 14-07-1978 (*the date is not so clear and there are overwriting from supposedly original entry 06-06-1978*) had allotted 2-20 acre land to one Areef Ahmad on 14-07-1978.
 - vii. Tahasildar, Shivamogga Taluk vide an Endorsement No. LND(1)CR.72/2019-20 dated 05-10-2019 (**copy enclosed in the proposal**) issued to the Applicant has confirmed the same and has stated that the land grant right of the land has been registered in the name of Ariff Hussain as per Mutation No. 5/78-79. As per Assistant Director of Land Records, Shivamogga Order No.TQ-LFPH.77/79-80 (ADLR.PH.8/1980-81), *Pakkaphodi* has been done in the year 1978 and a new Sy No. 21 has been allotted to the said land. The name of the original grantee has been entered as per computerized RTC in Column No. 9 from 2000-01 to 2011-12. After completion of the prohibited period of sale which was laid down in the

Saguvali Cheeti, the original grantee has sold the land to Basappa S/o Maradi Bheemappa under registered sale deed. The *Khata* has changed to the name of the Purchaser in M.R. No.1/2012-13 dated 07-10-2012. The Purchaser is the Khata holder of the said land now.

5. **Remarks on opinions of the Deputy Conservator of Forests, Shivamogga Wildlife Division and Conservator of Forests, Shivamogga Circle:** There has been a change in the incumbents of the offices of the Deputy Conservator of Forests, Shivamogga Wildlife Division as well as the Chief/ Conservator of Forests, Shivamogga Circle during the processing of the proposal at the field level. There has been contradiction in the opinion of the Deputy Conservator of Forests as given in the Site Inspection Report dated 22-04-2019 in Item 15 and his opinion in Item 16 of the PART-II of the proposal. Similarly, the Conservator of Forests, Shivamogga Circle had not recommended the proposal in Item 16 of the PART-II of the proposal. However, on being instructed by this office through a series of EDS queries to the field officers to clarify their opinions, the Deputy Conservator of Forests, Shivamogga Wildlife Division vide the latest Site Inspection Report 28-04-2020 and the Conservator of Forests, Shivamogga Circle vide the latest report dated 16/17-06-2020 have submitted their final opinions recommending the proposal on the ground that the proposed water pipeline will involve excavation for a length of about 1300 meter and width of 0.50 meter along the road side and that there would be bare minimum disturbance to the wildlife and forest.
6. **Report of CF, Shivamogga Circle:** The Conservator of Forests, Shivamogga Circle has personally inspected the project area on 21-05-2020 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, Shivamogga Wildlife Division, the Conservator of Forests, Shivamogga Circle has finally recommended the proposal. However, the same could not reflect in Item 16 of PART-II of proposal on FC web portal because of technical restrictions in editing certain entries, once the proposal is forwarded to the next level.
7. **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. Further, the rates of Net Present Value will be five times the normal rates, as the forest area is a Wildlife Sanctuary. **The User Agency has submitted an Undertaking dated 12-12-2018 to pay the Net Present Value (NPV) of the forest land proposed for diversion.**
8. **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*),

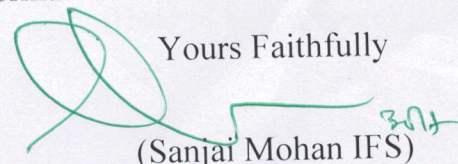
which provides exemption from raising Compensatory Afforestation (CA). However, the Para 2.6(i) of the latest FC Guidelines mandates planting of ten times the number of trees likely to be felled (subject to a minimum of 100 plants). In present case, there are no trees on forest land as reported in Item 4(ii) of PART-II of the proposal.

9. **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 furnished the requisite **Certificate in FORM-I (for Linear 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 to obtain the certificate in prescribed format and submit a copy.**
10. **Status of wildlife clearance:** The forest area proposed for diversion being within a Wildlife Sanctuary, the proposal will require prior approval from National Board for Wildlife. The User Agency has not obtained the same so far and has been already informed to seek the wildlife clearance for the project.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with Government of India for according 'in-principle' (Stage-I) approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.0642 hectare of forest land in Purudal Village Sy No. 1, Kasaba Hobli, Shivamogga Taluk & District (Purudal State Forest, Shettihally Wildlife Sanctuary, Shivamogga Wildlife Division) for laying of underground water pipeline from Purudal village Sy No. 21 (Patta land as per RTC) to Aladevara Hosur village Sy No. 92 (another Patta land) for agricultural purpose in favour of Sri Avinash Doddamanegowda Benakappa, Agriculturist, 'Shantala', Ist Cross, Gandhinagar, Shivamogga for a period of 10 years (or earlier as per actual use) subject to wildlife clearance from National Board for Wildlife and production of RoFR Certificate in FORM-I (for Linear 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 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 information.

Yours Faithfully



(Sanjai Mohan IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Conservator of Forests, Shivamogga Circle, Shivamogga for information and **with an instruction to submit the RoFR Certificate (minimum 3 sets of attested copies) as and when received from the Deputy Commissioner, Shivamogga District.**
2. Deputy Conservator of Forests, Shivamogga Wildlife Division for information.
3. Sri Avinash Doddamanegowda Benakappa, 'Shantala', 1st Cross, Gandhinagar, Shivamogga Taluk & District for information. **It is requested once again to obtain wildlife clearance for the project from the National Board for Wildlife in addition to obtaining the FRA Certificate in FORM-I (for Linear 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 as mentioned above and to submit the attested copies at the earliest.**

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RS
3-8-2020

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 diversion of 0.0642 hectare of forest land in Purudal Village Sy No. 1, Kasaba Hobli, Shivamogga Taluk & District (Purudal State Forest, Shettihally Wildlife Sanctuary, Shivamogga Wildlife Division) for laying of underground water pipeline from Purudala village Sy No. 21 (Patta land as per RTC) to Aladevara Hosur village Sy No. 92 (another Patta land) for agricultural purpose in favour of Sri Avinash Doddamanegowda Benakappa, Agriculturist, 'Shantala', 1st Cross, Gandhinagar, Shivamogga for a period of 10 years (or earlier as per actual use) subject to Wildlife Clearance from National Board for Wildlife and production of RoFR Certificate in FORM-I (for Linear Projects) issued by the jurisdictional Deputy Commissioner and also further subject to conditions appended in Annexure 'A'.</p> <p>Proposal No. FP/KA/Others/36486/2018</p>
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Signature:

Name:

(Rajiv Ranjan, IFS)

Designation:

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

Signature:

Name:

(Sanjai Mohan, IFS)

Designation:

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

(Official Seal)

N.D.O. No. 57/2020-21

Dated : 03/07/2020
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