

File No. 8-27/2021-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj
New Delhi – 110003
Dated:21-03-2025

To
The Additional Chief Secretary (Forests)
Forest, Ecology & Environment Department,
Government of Karnataka,
Bengaluru

Sub: Proposal for seeking *ex-post facto* approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 89.92 ha of forest land in Tavaraghatta Village Sy.No.14 and Singanamane Village Sy.No.16 both in Kasaba Hobli, Bhadravathi Taluk, Shivamogga District and Byrapura Village Sy.No.37, Kasaba Hobli, Narsimharajapura (NR) Taluk, Chikkamagaluru District for establishment and development of Kuvempu University Campus for academic activities in favour of Registrar, Kuvempu University, Jnana Sahyadri Shankaraghatta, Shivamogga District, Karnataka State. (Online Proposal No.FP/KA/SCH/35132/2018).

Madam/Sir,

I am directed to refer to the Government of Karnataka's letter No. FEE 51 FLL 2021 (e) dated 27th October, 2021 and additional information submitted vide letter No. FEE 51 FLL 2021 (e) dated 25.07.2023 and letter No. FEE 51 FLL 2021 (e) dated 22.10.2024 (received in the Ministry from Regional Office, Bengaluru vide letter No 4-KRA1319/2021-BAN/ dated 31 January, 2025) on the above subject seeking approval of the Central Government in accordance with Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal was considered by the Advisory Committee (AC) in its meeting held on 05.03.2025 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section - 3 of the aforesaid Adhiniyam.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords '*in-principle*' and *ex-post facto* approval under Section – 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 89.92 ha of forest land in Tavaraghatta Village Sy.No.14 and Singanamane Village Sy.No.16 both in Kasaba Hobli, Bhadravathi Taluk, Shivamogga District and Byrapura Village Sy.No.37, Kasaba Hobli, Narsimharajapura (NR) Taluk, Chikkamagaluru District for establishment and development of Kuvempu University Campus for academic activities in favour of Registrar, Kuvempu University, Jnana Sahyadri Shankaraghatta, Shivamogga

District, Karnataka State subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory Afforestation:**
 - a. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;
 - b. The non-forest land 384.56 ha which has already been transferred and mutated in favour of the State Forest Department shall be notified by the State Government as PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act, as the case may be, before handing over the forest land to the user agency;
 - c. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - d. The non-forest land transferred to State Forest Department in compliance of condition stipulated by IBWL is a grassland-shola habitat which is unique and very important from wildlife point of view any planting activities in this area will destroy this unique habitat. Thus, the area shall not be used for raising CA plantation instead the Grassland-shola area should be improved by taking up suitable habitat improvement activities such as removal of invasive plants present in Sholas and Grasslands, Soil moisture conservation activities and other Eco restoration measures. In this regard the State Govt. shall submit a programme for improvement of the forest crop.
 - e. Compensatory Afforestation on the identified degraded forest of 191 ha shall also be raised at the project cost under the supervisions of the State Forest Department and afforestation works shall start within two years from the date of final approval and maintained thereafter in accordance with the approved CA scheme in consultation with the State Forest Department;
 - f. The State Govt. shall ensure the compliance of the observations raised by the Regional Office in respect of the identified CA land in their SIR;
3. **NPV:**
 - a. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC (pt.) 29.12.2023 through online portal of CAMPA account of the State Concerned;
 - b. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional

amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- c. ***The penalty for violation shall be equal to NPV of forest land (area under construction/broken up) per hectare for each year of violation from the date of submission of the proposal by the State Govt. to the Ministry i.e. 27.10.2021 with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made;***
4. ***Action shall be initiated against the violation of the Adhiniyam under section 3A/3B, by the State Forest Department/Regional Office (as applicable).***
5. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
6. The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to final approval;
7. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
8. Trees should be felled in phased manner as per the requirement with prior permission of concerned DFO;
9. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
10. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the provisions of the Rules 11 (7) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
11. The User Agency and the State Forest Department shall create and maintain from funds to be provided by the user agency alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Karnataka. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
12. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
13. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
14. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS

coordinates;

15. The layout plan of the proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
17. No damage to the flora and fauna of the adjoining area shall be caused;
18. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
19. The user agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
20. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023.
21. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
22. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

3. After receipt of the compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours Sincerely,

(S.Sundar)
Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Karnataka, Bengaluru.
2. DDGF (C) Regional Office, MoEF&CC, Bengaluru-
3. APCCF cum Nodal Officer (VSESA), 1980, Forest Department, Government of Karnataka, Bengaluru.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.