

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನಮುಖ್ಯ ಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

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



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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Old File No. A5(2).GFL.CR-208/1988-89
E-office File No. KFD/HOFF/A5-2(GFL)/61/2018-FC

E 69040
Date 19-12-2019

To

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

Sir,

Sub: Diversion of 72.177 ha (178 acre 14 gunta) of forest land in SyNo. 1/1 of Bhutaramanahatti village, Belagavitaluk & District for establishment of Rani Channamma University in favour of the Registrar, Rani Channamma University, Belagavi

Proposal No.FP/KA/SCH/20566/2016

- Ref:** 1. Government of India, Ministry of Environment, Forests and Climate Change, New Delhi, letter F.No.8-58/2016-FC dated 19-07-2018 [EDS Query dated 20-07-2018]
2. Government of Karnataka letter No. FEE 101 FLL 2016 dated 14-01-2019, 21-08-2019 and 11-10-2019 [EDS Query]
3. This office letter even Number dated 15-02-2019, 15-06-2019 and 15-09-2019 [submitting information]

The Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide Ref (1) has sought certain information in respect of the abovementioned proposal. The Government of Karnataka vide letter dated 14-01-2019 (Ref-2) directed to submit the information sought by Government of India. Accordingly, in response to the above, a report along with documents/information has been submitted to the Government of Karnataka by this office vide letter dated 15-02-2019 (Ref-3). Subsequently the replies to further queries from the Government of Karnataka vide Ref (2) were also submitted by this office Ref (3).

The Government of Karnataka vide letter dated 11-10-2019 (EDS query dated 16-09-2019) has directed to submit a draft D.O. letter to be sent to Government of India informing that no action could be taken on the use of forest land without FC approval since the University has already been started under the control of Education Department.

Accordingly, a draft D.O. letter to be addressed to Government of India by Government of Karnataka is submitted along with this letter for kind information and further action.

Yours Faithfully

(Rajiv Ranjan, IFS)

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

o/c

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3-35pm

21-12-2019

Draft D.O.letter

From

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

To,

The Inspector General of Forests
Government of India, Ministry of Environment
Forests & Climate Change (FC Division)
Indira Paryavaran Bhavan, Aliganj
Jor Bag Road, New Delhi – 110 003

Sir,

Sub: Diversion of 72.177 ha (178 Acre 14 Gunta) of Forest Land in Sy. No. 1/1 of Bhutaramanahatti village, Belagavitaluk and district for establishment of Rani Chennamma University in favour of the Registrar, Rani Chennamma University Belgavi

Proposal No.FP/KA/SCH/20566/2016

- Ref:** 1. Principal Chief Conservator of Forests (Head of Forest Force) letter No. A5(2).GFL.CR-208/1988-89 dated 19-09-2016 to Government of Karnataka [Stage-I proposal]
2. Government of Karnataka letter No. FEE 101 FLL 2016 dated 04-10-2016 to Government of India [Stage-I proposal]
3. Government of India, MoEF and CC, New Delhi Letter No.8-58/2016-FC dated 19-07-2018 [communicating observation made by FAC on 19-06-2018 & uploaded on GOI FC web portal].
4. Letter No.RCU/Belagavi/RO/3468/2018-19 dated:04-10-2018 of the Registrar, Rani Chennamma University, Belagavi

Above mentioned proposal seeking ex-post facto approval of Government of India under Section 2 of Forest (Conservation) Act, 1980 was submitted by Principal Chief Conservator of Forests (Head of Forest Force) vide letter dated 19-09-2016 to Government of Karnataka vide Ref (1). The State Government submitted the same to the Government of India vide Ref (2).

The matter was again discussed in the FAC meeting held on 19-06-2018, wherein following three observations were made that were communicated vide Ref (3) to the State Government.

The present status of compliance with regard to FAC observations mentioned above is given below.

FAC Observation No.	Status of Compliance
The State Government shall initiate action for violation as per the provisions of Government of India guidelines 11-42/2017-FC dated 29-01-2018.	Government of Karnataka (Revenue Department) based on the letter dated 23-10-1989 of Divisional Commissioner, Belgaum, vide Government Order Dated 31-01-1990 has accorded sanction for release of 178-14 Acre of 'Gomal' land in sy no. 1/1 of Bhutaramanahatti village under Rule 97(4) of Karnataka Land Revenue Rules, 1966 and subsequent grant in favour of Karnataka University, Dharwad (KUD) for establishment of Post-Graduate Centre @Rs. 6,200 per acre. Based on above Government Order, the Deputy

	<p>Commissioner, Belgaum granted 178-14 Acre land in favour of KUD.</p> <p>As soon as the Forest Department noticed the unauthorised grant of RF land for non-forestry purpose, the DCF, Belgaum requested the DC, Belgaum to stay the DC order No. RB-LBP-CR-98-89-90 dated 15-03-1990, as the land grant was in violation of the FC Act, 1980.</p> <p>Further in this regard, the <u>D.O. letter dated 04-05-2017 by the ACS, FEE</u> addressed to AIGF (FC), MoEF&CC, GoI may be kept in view, wherein circumstances leading to use of forest land without prior approval have been appropriately submitted with a request to grant approval under FC Act (copy enclosed).</p> <p>Further, it is also to note that a detailed explanation (18 pages) of circumstances under which the said forest land was used for the Postgraduate Center (now University) has been submitted by the Principal Chief Conservator of Forests(Head of Forest Force) vide letter dated 08-11-2017 (copy enclosed). Decision in this regard was taken and work for the Centre was initiated about 28 years back. It remains to be seen which state authorities involved in the decision making then are still serving in the government. Accordingly, the Government of India may appropriately consider the issue of taking action for violation which happened more than 28 years ago.</p>
State Government shall explore possibility of establishing the university campus in the alternate non-forest land. Detail analysis of at least 3 possible sites may be submitted.	<p>The Registrar, Rani Channamma University vide Ref (4) has informed that the university <i>"officials explored the possibility of alternate non-forest land in and around Belagavi city since 2013 to shift the University campus; but on the contrary, no revenue land is available as endorsed by the Deputy Commissioner, Belagavi through his letter dated 22-06-2013"</i> (a copy of DC letter is enclosed). The PG Centre/University was established at the present location in 1990.</p>
On analysis in DSS it is observed that the actual change in land use is restricted to a small portion of the forest area. State Government shall demarcate the area and submit detail of actual forest area under non-forest use at present. The shape file of the same shall be submitted	<p>The User Agency vide Ref (4) has submitted a Map showing the Land Use Pattern of 72.177 hectare forest land to be diverted in favour of the Registrar, Rani Chennamma University, Belagavi. A copy of the same along with the copy of letter cited at Ref (4) is enclosed.</p>

As seen from the circumstances explained above, as the revenue records continued to show the said Sy No. as Gomal (Pasture Land), the State Government had followed the process of law under the land Revenue Act and leased the land to the Karnataka University for setting up of the Post Graduate Centre, to cater the needs of border districts of the state. From the records it is clear that this action of the Government happened only because the

records were not updated and not a deliberate action to violate the provisions of the Forest (Conservation) Act, 1980. The officials acted in good faith in accordance with the directions of Government. The only lapse on the part of the officials is not getting the revenue records changed to incorporate the said SyNo. as Forest land. This matter is more than 50 years old and the officials working then have all retired long ago. Therefore, State Government is of the view that no action can be initiated against the officers responsible for the violation, as it was not a deliberate and intentional violation but action in good Faith. This can be considered sympathetically as the land was leased for a public purpose for setting up of a centre of Higher Education, and the issue may be dropped and the Forest Clearance under FC Act 1980, as recommended by State Government for 72.177 ha in favour of Rani Channamma University, Belagavi may be granted at the earliest.