

ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ವಿಧಾನ ಪರಿಷತ್ತು	
ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ:	767 (791)
ಸದಸ್ಯರ ಹೆಸರು:	ಡಾ. ಯತೀಂದ್ರ ಎಸ್ (ವಿಧಾನ ಸಭೆಯಿಂದ ಚುನಾಯಿತರಾದವರು)
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ:	16.12.2024
ಉತ್ತರಿಸುವವರು:	ಮಾನ್ಯ ಅರಣ್ಯ, ಜೀವಿಶಾಸ್ತ್ರ ಮತ್ತು ಪರಿಸರ ಸಚಿವರು.

ಕ್ರ. ಸಂ.	ಪ್ರಶ್ನೆಗಳು	ಉತ್ತರಗಳು
ಅ)	ರಾಜ್ಯದಲ್ಲಿ ಡೀಮ್ಡ್ ಅರಣ್ಯಗಳನ್ನು ಗುರುತಿಸಲು ಅನುಸರಿಸುವ ಮಾನದಂಡಗಳೇನು; (ವಿವರ ನೀಡುವುದು)	<p>ರಾಜ್ಯ ಸರ್ಕಾರದ ಆದೇಶ ಸಂ. FEE 185 FAF 2011, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 15.05.2014 ರನ್ವಯ ಡೀಮ್ಡ್ ಫಾರೆಸ್ಟ್ ಎಂದು ಗುರುತಿಸಲು ಈ ಕೆಳಕಂಡ ಕ್ಷೇತ್ರೀಯ ಮಾನದಂಡಗಳನ್ನು ಪರಿಗಣಿಸಲು ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.</p> <p>1. "All Government land parcels (excluding those which are "statutory forests" and 'forests as per Government records"), of an area of two hectares and above having at least a density of 50 naturally grown trees per hectare of gbh of 30 cm and above (OR) All plantations on Government lands of an area of 2 Ha and above (excluding those which are "statutory forests" and 'forests as per Government records") with a minimum density of 100 planted trees/ Ha of gbh of 30 cm and above. (gbh is girth of tree at breast height measured at a height of 4.5 feet from ground)."</p> <p>2. Plantations of any kind on private lands shall not be considered as 'forests'. Private lands with naturally grown trees, with 50 trees per hectare of gbh 30 cm and above, on an extent of 5Ha and above shall only be treated as "private forests". (ಅನುಬಂಧ-1 ರಲ್ಲಿ ಒದಗಿಸಿದೆ)</p>
ಆ)	ರಾಜ್ಯದಲ್ಲಿ ಈವರೆಗೆ ಎಷ್ಟು ಎಕರೆ ಡೀಮ್ಡ್ ಅರಣ್ಯಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ; (ಜಿಲ್ಲಾವಾರು ಮತ್ತು ಇಲಾಖಾವಾರು ಮಾಹಿತಿ ನೀಡುವುದು)	<p>ಸರ್ಕಾರದ ಆದೇಶ ಸಂ: FEE 185 FAF 2011, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 05.05.2022ರನ್ವಯ ರಾಜ್ಯದ ಒಟ್ಟು 3,30,186.93 ಹೆ. ಪ್ರದೇಶವನ್ನು ಡೀಮ್ಡ್ ಫಾರೆಸ್ಟ್ ಎಂದು ಅಧಿಸೂಚಿಸಲಾಗಿದೆ. (ಅನುಬಂಧ-2 ರಲ್ಲಿ ಒದಗಿಸಿದೆ)</p>
ಇ)	ಡೀಮ್ಡ್ ಅರಣ್ಯಗಳ ನಿರ್ವಹಣೆಗೆ ಸರ್ಕಾರದ ಕಾರ್ಯನೀತಿ ಏನು? (ವಿವರ ನೀಡುವುದು)	<p>1. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಎಫ್‌ಇಇ 185 ಎಫ್‌ಎಎಫ್‌2011, ದಿನಾಂಕ: 05.05.2022 ರಲ್ಲಿ ಗುರುತಿಸಲಾದ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳ ಕುರಿತಂತೆ ದಿನಾಂಕ: 24.11.2023 ರಂದು ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ (ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರು ಹೊರಡಿಸಿದ ಸುತ್ತೋಲೆಯಲ್ಲಿ ಕ್ಷೇತ್ರ ಮಟ್ಟದಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ತಿಳಿಸಲಾಗಿರುತ್ತದೆ. (ಅನುಬಂಧ-3 ರಲ್ಲಿ ಒದಗಿಸಿದೆ)</p> <p>a. ಪುನರ್ ರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ಗುರುತಿಸಿದ್ದ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳಲ್ಲಿ 3,30,186.93 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಡೀಮ್ಡ್ ಅರಣ್ಯಗಳೆಂದು ಗುರುತಿಸಲಾಗಿರುವುದರಿಂದ ಹಾಗೂ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಈ ಅನುಸರಣೆಯನ್ನು ದಾಖಲಿಸಿಕೊಂಡಿರುವುದರಿಂದ ಈ ಪ್ರದೇಶಗಳಿಗೆ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1980 ಅನ್ವಯವಾಗುವುದರಿಂದ, ಗುರುತಿಸಲಾಗಿರುವ ಪ್ರದೇಶಗಳನ್ನು ಅರಣ್ಯೀತರ ಉದ್ದೇಶಗಳಿಗೆ ಬಳಕೆಯಾಗದಂತೆ ಸಂರಕ್ಷಿಸುವುದು.</p>

- b. ಈ ಕುರಿತು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳೊಂದಿಗೆ ಸಮನ್ವಯ ಸಾಧಿಸಿ ಸದರಿ ಪ್ರದೇಶಗಳನ್ನು ಮೀಸಲು / ರಕ್ಷಿತ ಅರಣ್ಯಗಳೆಂದು ಅಧಿಸೂಚಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಕಾನೂನಾತ್ಮಕ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದು. ಈ ಕುರಿತು ಕೈಗೊಂಡ ಕ್ರಮದ ಬಗ್ಗೆ ವರದಿ ಸಲ್ಲಿಸುವುದು.
- c. ಈ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳನ್ನು ಅರಣ್ಯೇತರ ಉದ್ದೇಶಗಳಿಗೆ ಬಳಕೆಯಾಗದಂತೆ ಸಂರಕ್ಷಿಸಲು ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಪಡಿಸಲು ಅರಣ್ಯೀಕರಣ, ಗಡಿ ಸರ್ವೆ
- d. ಕಾರ್ಯ ಗಡಿ ಗುರುತಿಸುವಿಕೆ ಇತ್ಯಾದಿ ಅಂಶಗಳನ್ನೊಳಗೊಂಡಂತೆ ಸಮಗ್ರ ಯೋಜನೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಸಲ್ಲಿಸುವುದು.
- e. ಗುರುತಿಸಲಾಗಿರುವ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳಲ್ಲಿ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಸರ್ವೆ ನಂಬರ್‌ನ ಭಾಗಶಃ ಪ್ರದೇಶವು ಪರಿಭಾವಿತ ಅರಣ್ಯ ಎಂದು ಅಧಿಸೂಚಿಸಲ್ಪಟ್ಟಿದ್ದಲ್ಲಿ ಅಂತಹ ಪ್ರದೇಶವನ್ನು ಅರಣ್ಯ ಇಲಾಖೆ ಹಾಗೂ ಕಂದಾಯ ಇಲಾಖೆಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಜಂಟಿ ಮೋಜಣಿ ಮಾಡಿ, ಜಮೀನಿನಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಗಡಿ ಗುರುತಿಸಲು ಸಂಬಂಧಿಸಿದ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯ ಜಿಲ್ಲಾಧಿಕಾರಿ ರವರೊಂದಿಗೆ ಸಮನ್ವಯಿಸುವುದು.

2. ದಿನಾಂಕ: 08.07.2024 ರಂದು ನಡೆದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ, ಮುಖ್ಯ ಕಾರ್ಯ ನಿರ್ವಹಣಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಉಸ್ತುವಾರಿ ಕಾರ್ಯದರ್ಶಿಗಳ ಸಭೆಯಲ್ಲಿ ಪರಿಭಾವಿತ ಅರಣ್ಯ (ಡೀಮ್ಡ್‌ಫಾರೆಸ್ಟ್) ಪಟ್ಟಿಯಲ್ಲಿ ತಪ್ಪಾಗಿ ಯಾವುದೇ ಜಮೀನು ಸೇರ್ಪಡೆಯಾಗಿದ್ದರೆ ಅದನ್ನು ಪತ್ತೆ ಮಾಡಲು ಕಂದಾಯ ಮತ್ತು ಅರಣ್ಯ ಇಲಾಖೆ ಅಧಿಕಾರಿಗಳು ಜಂಟಿ ಸಮೀಕ್ಷೆ ನಡೆಸಿ ಅದನ್ನು ಸಂಪುಟದ ಮುಂದೆ ಮಂಡಿಸುವಂತೆ ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ನಿರ್ದೇಶಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ, ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳ ಜಂಟಿ ಸಮೀಕ್ಷೆ ಕಾರ್ಯ ಪ್ರಗತಿಯಲ್ಲಿರುತ್ತದೆ.

3. ವನ್ (ಸಂರಕ್ಷಣೆ ಏವಂ ಸಂವರ್ಧನ್) ಅಧಿನಿಯಮ್, 1980, ನಿಯಮ 16(1) ರನ್ವಯ, ಹಾಗೂ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ರಿಟ್‌ಅರ್ಜಿ ಸಂಖ್ಯೆ: 1164/2023 ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ: 19.02.2024 ರ ಆದೇಶದನ್ವಯ (ಅನುಬಂಧ-4 ರಲ್ಲಿ ಒದಗಿಸಿದೆ) ಅರಣ್ಯ ಭೂಮಿಯ ಏಕೀಕೃತ ದಾಖಲೆಗಳನ್ನು (ಘೋಷಿತ/ ಅಧಿಸೂಚಿತ/ ದಾಖಲಿಸಿರುವ/ ಡೀಮ್ಡ್ ಫಾರೆಸ್ಟ್) ಸಿದ್ಧಪಡಿಸಲು ತಜ್ಞರ ಸಮಿತಿಯನ್ನು (Expert Committees) ರಚಿಸುವ ಕಾರ್ಯ ಪ್ರಗತಿಯಲ್ಲಿರುತ್ತದೆ. ಈ ಸಮಿತಿಗಳು ಅರಣ್ಯ ಭೂಮಿಯ ಏಕೀಕರಿಸುವಾಗ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಎಫ್‌ಇಇ 185 ಎಫ್‌ಎಎಫ್‌2011, ದಿನಾಂಕ: 05.05.2022 ರನ್ವಯ ಅಧಿಸೂಚಿತ ಡೀಮ್ಡ್ ಫಾರೆಸ್ಟ್ ಪಟ್ಟಿಯನ್ನು ಪುನರ್ ಪರಿಶೀಲಿಸಿ, ಪರಿಷ್ಕೃತ ವರದಿಯನ್ನು ಸಹ ಸಲ್ಲಿಸಬೇಕಾಗಿರುತ್ತದೆ.

ಸಂಖ್ಯೆ: ಅಪಜೀ 157 ಎಫ್‌ಎಎಫ್ 2024

(ಈಶ್ವರ ಬಿ. ಖಂಡೆ)

ಅರಣ್ಯ, ಜೀವಿಶಾಸ್ತ್ರ ಮತ್ತು ಪರಿಸರ ಸಚಿವರು

LC No: 791

CP: 736

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Subject: Constitution of District, Divisional and State Level Committees for verification and finalisation of village and survey number wise extent of deemed forest areas in the State - reg.

READ: 1. Government Order No. FEE 2 FFM 1997, dated: 10.01.1997.
2. Government Order No. FEE 270 FGI. 2002, dated: 25.09.2002.

PREAMBLE:

The Forest (Conservation) Act, 1980 (Central Act) is enacted to conserve the dwindling forest resources in the country. Section (2) of Forest (Conservation) Act, 1980 puts some restrictions on the de-reservation of forests or use of forest land for non-forest activities.

2. The Hon'ble Supreme Court of India in WP (Civil) 202/1995 (Godavarman Thirumulpad vs Union of India & others) has defined the scope of 'forest' and 'forest land' as mentioned in the Forest (Conservation) Act, 1980 vide its order dated 12/12/1996 as under:

RFO
12/12/96

it has emerged at the hearing, that there is a misconception in certain quarters about the true scope of Forest(Conservation) Act-1980 (for short the 'Act') and the meaning of the word 'forest' used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

WP

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore the provisions made therein for the conservation of forests and for matters connected herewith must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'Forest' must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(1) of the Forest Conservation Act. The term 'forest land', occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as 'forest' in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act-1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.

ನಿರ್ದೇಶಿಸಿ, ಅಧೀನ
17 MAY 1997

The Hon'ble Supreme Court further ordered that

"Each State Government should constitute within one month an Expert Committee to:

- i. identify areas which are 'forests' irrespective of whether they are so notified, recognised or classified under any law and irrespective of the ownership of the land of such forest;

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- ii. identify areas which were earlier forests but stand degraded, denuded or cleared, and
- iii. identify areas covered by plantation trees belonging to the Government and those belonging to private persons".

3. The Government of Karnataka has constituted Expert Committee-I as per the directions of the Hon'ble Supreme Court vide its Order No.FEE 2 FFM 97, dated 10-01-1997 read at (1) above with a mandate to study and submit a report as per the directions of the Apex Court dated 12.12.1996. Accordingly, the Expert Committee-I submitted its report to Government on 02/04/1997.

4. After examining the report of Expert Committee-I, Government of Karnataka has filed an Affidavit before Hon'ble Supreme Court on 05/04/1997 read with Affidavit dated 25.09.1997 based on the recommendations of the Expert Committee -I.

5. In the Affidavit it is stated that the survey and demarcation of areas identified as 'forest' under the control of the forest department is complete and however in respect of the additional area identified as "forest", the listing of the areas, survey number wise, village, taluk and district-wise needs to be undertaken. Hence, in the affidavit, request was made for one year time to consolidate the additional forest areas (other than statutory forests) identified (survey number, village, taluk and district-wise).

7. The Central Empowered Committee (CEC) of the Supreme Court of India observed that no action has been taken as per the Affidavit filed by Government of Karnataka even though the State Government had undertaken to complete the work of compiling detailed information of 'forests' within one year of filing the Affidavit. The CEC has recorded that on the basis of the affidavit filed by the State Government indicating 46,32,615 Ha of 'forest' in the State, further classification of this extent (a) Notified forest area as per Government Records (b) Deemed forests (other than (a)). The 'Deemed forests' should be further categorised survey number, village and district-wise. The 'Deemed forest' may be the part of the private forest, thickly wooded areas on Government lands which are not notified as 'forests' and others.

8. In view of this observation of CEC, the Government vide its Order No. FEE 270 FGL 2002 dated 25/09/2002 read at (2) above, has reconstituted the Expert Committee-I to submit a report within two months.

9. The Revised Expert Committee-I has categorised the 'forests' into 'Notified forests' (33,23,854 Ha) and Deemed forests (9,94,881 Ha) with a total area of 43,18,735 Ha. It has excluded strip plantations, roadside plantations, Canal bank plantations from the list of 'deemed forests'. The details of the 'Notified Forests' and 'Deemed Forests' classified by the Committee are shown in the Annexure to this Government Order.

10. The Government of Karnataka has now, decided to have a relook on the report of the Revised Expert Committee-I since some of the "statutory forests" were categorised as "deemed forests". In other cases, where areas have been categorised according to "dictionary definition", it is not based on a well defined pre-determined field criteria that can be applied and verified in field. This has resulted in subjective classification of areas into 'deemed forests'. This has also led to serious differences with other Government Departments, particularly Revenue, Irrigation, PWD and Energy Departments that the areas without any tree growth have been classified as 'deemed forests', particularly in case of C&D class lands handed over to forest department by the Revenue Department, consequently making the areas subject to Forest Conservation Act, 1980 for diverting them to non-forestry purposes and made the following observations:-

- a) Areas 'proposed for notification under Section 4 of Karnataka Forest Act, 1963' are included in 'deemed forest'. Out of this, only areas that can be called as 'forests' by dictionary definition of forest (by applying the field criteria) only have to be considered.
- b) Amrit Mahal kaval lands are assigned as grazing lands for Amrit mahal breed of cattle owned by Government, even from the time of Tipu Sultan and are not 'District Forest' as per the definition, though rules for management of district forests are made applicable to these kavals. Hence, Amrit mahal kavals, which have tree growth as per dictionary definition of forest, only are to be included as "forests".
- c) Bane, Kumki lands are "forest lands" where certain privileges are allowed under sub-section (2) of Section 79 of Karnataka Land Revenue Act. Rules for management of Kumki Lands were all through notified under the Madras Forest Act. Coorg revenue Manual & Karnataka Revenue Survey Manual defines Bane lands as "Forest land (emphasis supplied) granted for the service of the holding of wetland, to be held free of revenue by the cultivator for grazing and to supply leaf manure, firewood and timber required for the agricultural and domestic purposes of the cultivator, so long as he continues in possession of the wetland".
- d) Paisari lands are "all wasteland and forest lands which are declared to be the property of Government and which have been not notified as protected forest or as forest reserved" as per the Karnataka Revenue Survey Manual. Hence, out of paisari lands, forest paisari lands (emphasis supplied) are forest lands (based on revenue settlement entries/ RTC entries).
- e) All the areas in categories 10,11,13,15,16,17 to 23 of Reconstituted Expert Committee-I Report (refer annexure) needs review based on a pre-determined criteria for classification, for inclusion of these areas as forests by dictionary definition of 'forest', as they do not fall into either 'statutory forests' or 'forests as per Govt. records'.
- f) Only block plantations on Govt. lands which can be called as "forest" as per the set pre-determined criteria based on dictionary definition of 'forest', shall be included as "forests" and hence, strip, roadside, school, canal bank, institutional plantations are to be excluded from categorisation as 'deemed forests'.

11. In the light of the directions of Apex Court vide its order dated 12/12/1996 to have more clarity on the issue of identification of forest in Karnataka state, the whole issue may be dealt as follows.

a) Statutorily recognised forests ('Notified Forests' in CEC criteria): The details of the statutorily recognised forests in the State of Karnataka are as follows:

	Class	Statutory Provisions
1	Reserved Forests	i) As per section 2 (14) in the Karnataka Forest Act, 1963. 'Reserved forest' means any land settled and notified as such in accordance with the provisions of chapter II of the Karnataka Forest Act, 1963; ii) As per section 23 in the Karnataka Forest Act, 1963. any forest which has been notified as a state forest under the Mysore Forest Act, 1900, or as a reserved forest under the Indian Forest Act, 1927, the Madras Forest Act, 1882, or the Hyderabad Forest Act, 1355 F., prior to the date on which this Act comes into force, shall be a reserved forest under the Karnataka Forest Act, 1963.
2	Village Forests	As per section 2 (22) in the Karnataka Forest Act, 1963. 'Village forest' means any land notified as such in accordance with the provisions of chapter III of the Karnataka Forest Act, 1963;
3	District Forests	As per section 2 (2) in the Karnataka Forest Act, 1963, the 'District forest' includes all land at the disposal of Government not included within the limits of any reserved or village forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purposes; Provided that it shall be competent for the State Government to modify or set aside such assignment and constitute any such land as reserved, village or district forest or devote the same to any other purpose it may deem fit : 1. Protected Forests: (i). As per section 2 (13) in the Karnataka Forest Act, 1963. 'Protected forest' means any area at the disposal of Government which has been placed under special protection under clause (ii) of sub-section (2) of section 33 or is declared to be a protected forest under section 35; ii) As per section 35 in the Karnataka Forest Act, 1963. any forest in the state which has been notified as 'minor forest' under the Mysore Forest Act, 1900, or as 'protected forest' under the Indian Forest Act, 1927, or the Hyderabad Forest Act, 1355 F., prior to the date on which this Act comes into force, shall be a protected forest under this Act and the provisions applicable to a protected forest shall be applicable to such forests. As per rule 31 in the Karnataka Forest Rules, 1969, the rules for the management of district forests shall, mutatis - mutandis, be applicable to Protected Forests.

		<p>2. Sub-section (2) of Section 79 of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964) reads as follows: "(2). Notwithstanding anything contained in sub-section (1) but subject to such general or special orders that may be issued by the State Government from time to time the privileges that are being enjoyed either by custom or under any order such as privileges in respect of Kumki lands, Bane lands and Kane lands in South Kanara District, Betta lands and Hadi lands in North Kanara District, Kan and Soppina Betta lands in Mysore area, Jamma and Bane lands in Coorg District and motasthal wet lands in Hyderabad Area shall continue."</p> <p>Sub-section (3) of Section 94-B of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964) reads as follows: "94-B. Grant of land in certain cases: XXXX (3). Nothing in this section shall apply to forest land except any land referred to in sub-section (2) of Section 79 which is classified as forest land."</p> <p>3. under clause (f) of sub-section (1) of section 143 of the Coorg Land and Revenue Regulation, 1899, made rules for the regulation of certain matters relating to paisari lands. vide notification No. 79, dated 30th September 1901. Forest Paisari lands are forests.</p> <p>4. Any area set apart for forest reserve under Section 71 of the Karnataka Land Revenue Act, 1964.</p> <p>5. Any area reserved and transferred to the forest department under the provisions in sub-section (3) of section 77 of the Karnataka Land Reforms Act, 1961.</p> <p>5. All the land parcels notified in the Official Gazette under the provisions of Section 4 of the relevant Forest Act, which are in the process of Forest settlement for the final notification as 'Reserved Forest' under Section (17) of Karnataka Forest Act, 1963.</p>
4	Private Forests	<p>i) As per section 36 in the Karnataka Forest Act, 1963, any land containing trees and shrubs, pasture lands and any land whatsoever which the state government may, by notification under this section, declare to be a forest, is a private forest.</p> <p>ii) As per section 39 in the Karnataka Forest Act, 1963, any land notified by the State Government under this section for the protection of forests for special purposes is a private forest.</p>

b) **Areas recorded as 'forests' in the Government records:** All the land parcels that are recorded as forest, aranya, kadu, marakadu, jungle etc., (i) in the land records (RTC Pahani etc.) maintained under the provisions of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964) and allied statutes till 30th June 1981; (ii). All classes of lands in the survey settlement records prepared during the process of land revenue settlement; (iii). Forest Working Plans; (iv). District Census Handbooks of all the districts in the State of Karnataka; (v) All classes of lands designated as forests in the Karnataka Revenue Survey Manual, could be defined as "forest" for the purpose of the Forest (Conservation) Act, 1980.

c) 'Forests' as understood in the dictionary sense:

The following field criteria is approved by the Government for determining the 'Forests' as understood in the dictionary sense (i) All Government land parcels (excluding those which are "statutory forests" and 'forests as per Government records'), of an area of two hectares and above having at least a density of 50 naturally grown trees per hectare, of gbh of 30 cm and above (OR) All plantations on Government lands of an area of 2 Ha and above (excluding those which are "statutory forests" and 'forests as per Government records') with a minimum density of 100 planted trees/ Ha of gbh of 30 cm and above. (gbh is girth of tree at breast height measured at a height of 4.5 feet from ground)

d) Plantations of any kind on private lands shall not be considered as 'forests'. Private lands with naturally grown trees, with 50 trees per hectare of gbh 30 cm and above, on an extent of 5Ha and above shall only be treated as "private forests".

12. After exclusion of all the above 'forests', the remaining areas out of the lands at the disposal of Govt., as per the definition of "District Forests" under Section 2(2) of the Karnataka Forest Act, 1963 can be excluded from the purview of Forest Conservation Act, 1980 after seeking necessary orders from Apex Court by filing an Affidavit/Interlocutory Application in the Court in WP(Civil) 202/1995 with proper justification for such exclusion. The lands so excluded shall be reserved for public purpose like Health, Education, Irrigation, Social Welfare, Rural Housing and essential Rural Infrastructure.

Now, the Government of Karnataka examined all the aspects in the light of the above facts and decided to issue the following order:-

GOVERNMENT ORDER NO: FEE 185 FAF 2011
BANGALORE, DATED: 15-05-2014

After careful examination all the aspects and to ensure compliance of the order of the Supreme Court dated 12/02/1996 the Government constitutes the following committees:

The Committees will verify/review the areas included as 'Deemed Forests' in the report of Revised Expert Committee-I. The total extent of deemed forests should be categorised into a) statutory forests b) recorded as "forests" in Government records c) areas which are 'forests' as per dictionary definition based on field verification as per the criteria and methodology approved at Para (11) of Preamble. The Committees will also consider those areas not included in the Revised Expert Committee report as deemed forest, but eligible for inclusion based on Government records or approved field criteria.

(A) District Level Committee:

- a) Deputy Commissioners of the District.
- b) Deputy Conservator of Forests (territorial) at District Headquarters – Convenor.
- c) Deputy Conservator of Forests (territorial)/Wildlife, where the district has two or more divisions.
- d) Deputy Directors of Land Records concerned.

(B) Revenue Divisional Level Committee:

- a) Regional Commissioner of the Revenue Division.
- b) Chief Conservator of Forests of the Forest Circle stationed at Revenue Divisional Headquarters -Convenor.
- c) Chief Conservators of Forests of the Territorial Circles in the Revenue Division.
- d) Joint Directors of Land Records

(C) State Level Committee:

- a) Additional Chief Secretary to Government.
Forest, Ecology and Environment Department.
 - b) Principal Secretary/Secretary to Government, Revenue Department
 - c) Principal Chief Conservator of Forests (HOFF).
 - d) Commissioner for Survey Settlement and Land Records.
 - e) Additional Principal Chief Conservator of Forests, Working Plans-Convenor
- 1) The District Committees will organise field teams for applying the approved field criteria to arrive at forest areas as per Dictionary definition. These field teams shall visit the areas listed by Revised Expert Committee as 'Deemed Forests', as well as areas left out by Revised Expert Committee, but otherwise fit to be a "forest" as per the field criteria or as per the entries in Government records. The District Committees may meet as many times as required, but a monthly review is mandatory, as the task assigned herein should be completed in a **six months**.
 - 2) The state level committee will review the progress and issue further guidelines/clarifications as deemed necessary for proper conduct of the review.
 - 3) The Regional Committee will review, monthly, the progress of the District teams.
 - 4) Principal Chief Conservator of Forests (HOFF) should ensure that none of the statutorily notified forests such as Reserved Forests, Protected Forests, Village Forests, areas notified under Sec(4) of Karnataka Forest Act, 1963, overlap with the forests areas to be finalised now under the categories of forest by dictionary definition (by applying field criteria) and forests as per Government Records. Necessary instructions be issued to the field officers in the matter.
 - 5) During the pendency of the review, if any area is required for public purpose such as health, education, social welfare, irrigation and other essential rural infrastructure out of the Government lands (excluding statutory "forests" and forests as per Govt. records), the pre-determined 'field criteria' as in para 11 approved will be applied to decide whether the proposed area falls under 'forest' or otherwise.

- 6) On completion of the review, the reports shall be placed before the Cabinet for consideration and after approval by the Cabinet an Affidavit will be filed before the Hon'ble Supreme Court, accordingly.

By ORDER AND IN THE NAME OF THE
GOVERNOR OF KARNATAKA,


(S.P. PATIL)

UNDER SECRETARY TO GOVERNMENT,
FOREST, ECOLOGY AND ENVIRONMENT
DEPARTMENT.

To:

The Complier, Karnataka Gazette, Bangalore for publication in the next issue of Gazette and supply 200 copies to the Principal Chief Conservator of Forest (Head of Forest Force), Aranya Bhavan, 18th Cross, Malleshwaram, Bangalore-560 003. And 50 copies to the above authority.

Copy to:-

- 1) The Chief Secretary to Government.
 - 2) Principal Secretary to Government, Revenue Department.
 - 3) Principal Chief Conservator of Forests (HOFF), Aranya Bhavan, 18th Cross, Malleshwaram, Bangalore-560 001.
 - 4) Commissioner, Survey, Settlement and Land Records.
 - 5) ~~Additional Principal Chief Conservator of Forest (Working Plans).~~
 - 6) All the Regional Commissioners in the State.
 - 7) All The Deputy Commissioners of Districts in the State.
 - 8) All the Chief Conservators of Forests (Forest Circles).
 - 9) All the Deputy Conservators of Forests (Territorial and Wildlife Divisions).
 - 10) Section Guard file/Spare Copies.
- } Through
PCCF (HoFF)

Annexure

Forest areas as per the report of Revised Expert Committee - I

SL No	Categories of Forests	Total Area (ha)
1	2	3
	NOTIFIED FORESTS	
I		
I A	Reserved Forests	
1	Declared under Section 17 of KFA	17,62,919.76
2	Section 17 of Mysore Forest Regulation	5,94,778.32
3	Section 20 of IFA	2,94,493.94
4	Section 16 of Madras FA	2,58,781.95
5	Section 19 of Hyderabad FA	44,048.40
	Sub Total	29,55,022.37
I B	Protected Forests /Minor Forests (Section-33 & Section -35)	
1	Declared under Section 4 of KFA	1,78,673.47
2	Protected Forests	1,69,512.43
3	Devara Kadu	2,956.67
4	Urudve	2,733.80
5	Others -Sandal-Teak reserves etc.	4,644.66
	Sub Total	3,58,521.03
I C	Village Forests Section -29	4,904.76
I D	Private Forest Section -36	5,406.82
	Total	33,23,854.98
	Notified Forests	
II	DEEMED FORESTS	
II A	District Forests	
1	Proposed for Section 4 of KFA	1,21,716.01
2	Betta land	7,652.43
3	Banc	79,957.41
4	Jamamalai	4,953.28
5	Forest porampoke	3,981.35
6	Forest Paisari land	44,051.23
7	Kans	20,218.25
8	Kumki	37,703.90
9	Amrith Mahal Kaval	30,112.30
10	Assessed waste lands	35,850.80
11	Kharab	7,447.26
12	Submerged lands	-
	i) Mangrooves	998.80
	ii) Wet lands	-
	iii) Others	20,795.04
13	River catchment & Sea erosion area	583.14
14	Land classified as Forest / Jungle in Revenue records	10,393.34
15	Forest Inam land	3,569.62

16	Gomal lands where plantations have been raised	41,160.84
17	Thickly wooded areas (of revenue department not handed over to KFA)	1,01,184.94
18	C & D without any plantation but with KFD	3,07,859.87
19	Thickly wooded area noted as Forest in Revenue records and recommended to be taken over by the KFD	16,908.38
20	Thickly wooded lands distributed but not cultivated no tree felled	116.31
21	Water bodies	-
	i) Lakes	-
	ii) Tanks	3,326.25
22	Plantations	-
	i) Strip	415.80
	ii) Roadside	15,770.01
	iii) Canal bank	772.90
	iv) Foreshore	10,314.19
	v) School	3,187.53
	vi) Community land	1,498.04
	vii) Plantations raised by institutions	2,297.30
	viii) Other plantations	55,265.02
23	Others	11,778.28
	Total Deemed Forests	10,11,839.82
	Grand Total(ha)	43,35,694.80

Total Deemed Forests		10,11,839.82
Deductions		
Strip	- 415.80	
Road side	- - 15,770.01	16,958.71
Canal bank	- 772.90	
Total (ha)		9,94,881.11

S.P. Patil

(S.P. PATIL)

Under Secretary to Government,
Forest, Ecology and Environment Department

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: ರಾಜ್ಯದ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳನ್ನು ಗುರುತಿಸಿ ಅಧಿಸೂಚಿಸುವ ಕುರಿತು.

ಓದಲಾಗಿದೆ :-

1. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: FEE 02 FFM 1997, ದಿನಾಂಕ: 10-01-1997.
2. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: FEE 270 FGL 2002, ದಿನಾಂಕ: 25-09-2002.
3. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: FEE 185 FAF 2011, ದಿನಾಂಕ: 15-05-2014.

ಪ್ರಸ್ತಾವನೆ:-

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ. 202/1995 (ಗೋಧವರ್ಮನ್ ತಿರುಮಲಪಾಡ್ ವಿರುದ್ಧ ಕೇಂದ್ರ ಸರ್ಕಾರ ಮತ್ತು ಇತರರು) ರಲ್ಲಿ ದಿನಾಂಕ:12-12-1996ರ ಆದೇಶದಲ್ಲಿ 'ಅರಣ್ಯ' ಮತ್ತು "ಅರಣ್ಯ ಭೂಮಿಗಳು" ಕುರಿತು ವ್ಯಾಖ್ಯಾನಿಸಿರುತ್ತದೆ ಮತ್ತು ಸದರಿ ತೀರ್ಪಿನಲ್ಲಿ ವ್ಯಾಖ್ಯಾನಿಸಿರುವಂತೆ ಅರಣ್ಯಗಳನ್ನು ಗುರುತಿಸಲು ಒಂದು ತಜ್ಞರ ಸಮಿತಿಯನ್ನು ರಚಿಸಬೇಕೆಂದು ಮತ್ತು ಅಂತಹ ಅರಣ್ಯಗಳ ವಿಸ್ತೀರ್ಣದ ಬಗ್ಗೆ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಅಫಿಡವಿಟ್ ವಸ್ತುಸ್ಥಿತಿ ಪರದಿ ಸಲ್ಲಿಸಬೇಕೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರಗಳಿಗೆ ಈ ಕೆಳಕಂಡಂತೆ ನಿರ್ದೇಶನ ನೀಡಿರುತ್ತದೆ.

"it has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest (Conservation) ACT-1980 (for short the Act) and the meaning of the word 'forest' used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'Forest' must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of section 2(i) of the Forest Conservation Act. The term 'forest land', occurring in section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as 'forest' in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof".

The Hon'ble Supreme Court further ordered that - "Each State Government should constitute within one month an Expert Committee to:

- (i) identify areas which are forests, 'irrespective' of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;
- (ii) identify areas which were earlier forests but stand degraded, denuded or cleared; and
- (iii) identify areas covered by plantation trees belonging to the Government and those belonging to private persons".

Each State Government would constitute a committee comprising of the Principal Chief Conservator of Forests and another senior officer to oversee the compliance of this order and file status reports.

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ: 12-12-1996 ರ ತೀರ್ಪಿನಲ್ಲಿ ನಿರ್ದೇಶಿಸಿರುವಂತೆ ಅಧ್ಯಯನ ನಡೆಸಿ ವರದಿ ಸಲ್ಲಿಸಲು ಮೇಲೆ ಓದಲಾದ (1) ರ ಆದೇಶದಲ್ಲಿ ತಜ್ಞರ ಸಮಿತಿ-1 ನ್ನು ರಚಿಸಲಾಗಿದ್ದು, ತಜ್ಞರ ಸಮಿತಿಯು ದಿನಾಂಕ: 02-04-1997 ರಂದು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತದೆ. ತಜ್ಞರ ಸಮಿತಿಯು ಸಲ್ಲಿಸಿದ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿ ಸಚಿವ ಸಂಪುಟದ ಅನುಮೋದನೆಯೊಂದಿಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ದಿನಾಂಕ: 05-04-1997 ಮತ್ತು 25-09-1997 ಗಳಂದು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅಫಿಡವಿಟ್ ಸಲ್ಲಿಸಿರುತ್ತದೆ.

ಸದರಿ ಅಫಿಡವಿಟ್‌ನಲ್ಲಿ ಅರಣ್ಯ ಇಲಾಖೆಯ ನಿಯಂತ್ರಣದಲ್ಲಿನ "ಅರಣ್ಯ" ಪ್ರದೇಶಗಳ ಸರ್ವೆ ಮತ್ತು ಗಡಿ ಗುರುತಿಸುವಿಕೆ ಕಾರ್ಯವು ಮುಕ್ತಾಯಗೊಂಡಿದ್ದು, ಅರಣ್ಯ ಎಂದು ಗುರುತಿಸಬೇಕಾದ ಇತರೆ ಹೆಚ್ಚುವರಿ ಪ್ರದೇಶಗಳ ಜಿಲ್ಲಾವಾರು, ತಾಲ್ಲೂಕುವಾರು, ಗ್ರಾಮವಾರು, ಸರ್ವೆ ನಂಬರ್‌ಗಳ ಪ್ರದೇಶಗಳನ್ನು ಗುರುತಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಆದುದರಿಂದ ಹೆಚ್ಚುವರಿ ಅರಣ್ಯ ಪ್ರದೇಶಗಳನ್ನು (ಶಾಸನಬದ್ಧ ಅರಣ್ಯ ಹೊರತುಪಡಿಸಿ) ಗುರುತಿಸಿ ಕ್ರೋಢೀಕರಿಸಲು (ಜಿಲ್ಲಾವಾರು, ತಾಲ್ಲೂಕುವಾರು, ಗ್ರಾಮವಾರು, ಸರ್ವೆ ನಂಬರ್‌ವಾರು) ಒಂದು ವರ್ಷದ ಕಾಲಾವಕಾಶ ನೀಡುವಂತೆ ಮನವಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಚಿಸಿರುವ ಕೇಂದ್ರ ಅಧಿಕಾರಯುಕ್ತ ಸಮಿತಿಯು ರಾಜ್ಯ ಸರ್ಕಾರವು ಒಂದು ವರ್ಷದಲ್ಲಿ ವಿವರವಾದ ಮಾಹಿತಿಯನ್ನು ಕ್ರೋಢೀಕರಿಸುವ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸುವುದಾಗಿ ಸಲ್ಲಿಸಿದ ಅಫಿಡವಿಟ್‌ರನ್ವಯ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲದಿರುವುದನ್ನು ಗಮನಿಸಿರುತ್ತದೆ. ಸರ್ಕಾರವು ಸಲ್ಲಿಸಿದ ಅಫಿಡವಿಟ್‌ರನ್ವಯ ಕೇಂದ್ರ ಅಧಿಕಾರಯುಕ್ತ ಸಮಿತಿಯು ರಾಜ್ಯದ 46,32,615 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶವನ್ನು (ಎ) ಸರ್ಕಾರಿ ದಾಖಲೆಗಳಂತೆ ಅಧಿಸೂಚಿತ ಅರಣ್ಯ (ಬಿ) ಪರಿಭಾವಿತ ಅರಣ್ಯ ((ಎ) ನ್ನು ಹೊರತುಪಡಿಸಿ) ವೆಂದು ವರ್ಗೀಕರಿಸಬೇಕೆಂದು ಮತ್ತು ಪರಿಭಾವಿತ ಅರಣ್ಯಗಳನ್ನು ಜಿಲ್ಲಾವಾರು ಮತ್ತು

ಗ್ರಾಮವಾರು ಸರ್ವೆ ನಂಬರ್‌ಗಳೊಂದಿಗೆ ಮರು ವರ್ಗೀಕರಣ ಮಾಡಬೇಕಾಗುತ್ತದೆ ಎಂದು ಗಮನಿಸಿರುತ್ತದೆ. ಪರಿಭಾವಿತ ಅರಣ್ಯವು ಖಾಸಗಿ ಅರಣ್ಯದ ಭಾಗವಾಗಿರಬಹುದೆಂದು ಅಥವಾ ದಟ್ಟ ಮರಗಳುಳ್ಳ ಸರ್ಕಾರಿ ಪ್ರದೇಶವಾಗಿರಬಹುದೆಂದು ಆದರೆ, ಅಧಿಸೂಚಿತ ಅರಣ್ಯವಾಗಿರದ ಪ್ರದೇಶಗಳಾಗಿರಬೇಕೆಂದು ಗಮನಿಸಿರುತ್ತದೆ.

ರಾಜ್ಯ ಸರ್ಕಾರವು ಓದಲಾದ (2) ರ ಆದೇಶದಲ್ಲಿ, ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 (REC-1) ಅನ್ನು ರಚಿಸಿತ್ತು. ಸದರಿ ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ಒಟ್ಟು 9,94,881.11 ಹೆಕ್ಟೇರ್‌ಗಳನ್ನು ಡೀಮ್ಡ್ ಫಾರೆಸ್ಟ್ ಎಂದು ಗುರುತಿಸಿರುತ್ತದೆ. ಆದರೆ, ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ಸಲ್ಲಿಸಿದ ವರದಿಯಲ್ಲಿ ಶಾಸನಬದ್ಧ ಅರಣ್ಯಗಳನ್ನು ಪರಿಭಾವಿತ ಅರಣ್ಯಗಳೆಂದು ತಪ್ಪಾಗಿ ವರ್ಗೀಕರಿಸಿರುವುದರಿಂದ ಮತ್ತು ನಿಘಂಟು ವ್ಯಾಖ್ಯಾನದಂತೆ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳನ್ನು ಯಾವುದೇ ಪೂರ್ವ ನಿರ್ಧಾರಿತ ಮಾನದಂಡಗಳನ್ನು ಅಳವಡಿಸದೇ ಗುರುತಿಸಿರುವುದರಿಂದ ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿಯು ಗುರುತಿಸಿದ ಪ್ರದೇಶಗಳನ್ನು ಮರು ಪರಿಶೀಲಿಸಲು ನಿರ್ಧರಿಸಿ ಕಂದಾಯ ಮತ್ತು ಅರಣ್ಯಾಧಿಕಾರನೋಳಗೊಂಡ ಜಿಲ್ಲಾ, ವಿಭಾಗೀಯ ಮತ್ತು ರಾಜ್ಯ ಮಟ್ಟದ ಸಮಿತಿಗಳನ್ನು ರಚಿಸಿ ಓದಲಾದ (3) ರಲ್ಲಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

ಮುಂದುವರೆದು, ಮೇಲೆ ಓದಲಾದ (3) ರ ಆದೇಶದಲ್ಲಿ "The Committees will verify/review the areas included as 'Deemed Forests' in the report of Revised Expert Committee-I. The total extent of deemed forests should be categorised into a) Statutory forests b) recorded as 'forest' in Government records c) areas which are 'forests' as per dictionary definition based on field verification as per the criteria and methodology approved at Para (11) of Preamble. The Committees will also consider those areas not included in the Revised Expert Committee report as deemed forest, but eligible for inclusion based on Government records or approved field criteria" ಎಂದು ಆದೇಶಿಸಿರುತ್ತದೆ.

ಮೇಲೆ ಓದಲಾದ (3) ರ ಆದೇಶದಲ್ಲಿ ರಚಿಸಲಾದ ಜಿಲ್ಲಾ ಸಮಿತಿಗಳು ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿಯ -1ರ ವರದಿಯಲ್ಲಿನ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಮಾನದಂಡಗಳನ್ವಯ ಅರಣ್ಯ ಗುಣಲಕ್ಷಣಗಳನ್ನು ಹೊಂದಿಲ್ಲದಿರುವುದು ಮತ್ತು 2 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳಿಗಿಂತ ಕಡಿಮೆ ಇರುವ ಪ್ರದೇಶ, ಇತ್ಯಾದಿಗಳನ್ನು ಪರಿಭಾವಿತ ಅರಣ್ಯವೆಂದು ಪರಿಗಣಿಸಿರುವುದನ್ನು ಪರಿಶೀಲಿಸಿ ಈ ಕೆಳಗಿನ ಕಾರಣಗಳೊಂದಿಗೆ ಗುರುತಿಸಿರುತ್ತದೆ.

ಕ್ರಮ ಸಂಖ್ಯೆ	ಕಾರಣಗಳು	ವಿಸ್ತೀರ್ಣ (ಹೆಕ್ಟೇರ್ ಗಳಲ್ಲಿ)
1.	ಕೂಡುವಿಕೆಯಲ್ಲಿನ ಮತ್ತು ಪರಿವರ್ತನೆಯಲ್ಲಿನ ದೋಷಗಳು (Totalling & Conversion Errors)	82,089.96
2.	ಸರ್ವೆ ನಂಬರ್‌ಗಳ ಪುನರಾವರ್ತನೆ (Survey numbers repetition)	27,604.61
3.	ಸರ್ವೆ ನಂಬರ್‌ನಲ್ಲಿ ಲಭ್ಯವಿಲ್ಲದ ಸರ್ಕಾರದ ಪ್ರದೇಶಗಳು (Government land not available in survey number)	43,357.50
4.	ಖಾಸಗಿ ಪಟ್ಟಾ (Private Patta)	38,796.20
5.	ಸರ್ವೆ ನಂಬರ್ ಅಸ್ತಿತ್ವದಲ್ಲಿಲ್ಲದ/ನಮೂನೆ-50 ಮತ್ತು 53ರಡಿ ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮಂಜೂರಾದ ಪ್ರದೇಶಗಳು/ಪುನರ್ವಸತಿ ಪ್ರದೇಶಗಳು (Survey number not present/form 50 & 53 grants public community use/ rehabilitation area)	30,615.20
6.	ಮೀಸಲು ಅರಣ್ಯ ಪ್ರದೇಶ (Reserve forest area)	1,35,111.30

7.	ಕರೆತೀರ, ಸಾಂಸ್ಥಿಕ, ಶಾಲಾ ನೆಡುತೋಪು ಇತ್ಯಾದಿಗಳು, (Tank fore shore, institutional, school plantation etc.,)	21,583.59
8.	ಸ್ಟ್ರಿಪ್ - ಕಾಲುವೆ ನೆಡುತೋಪು ಮತ್ತು ರಸ್ತೆ ಬದಿ ನೆಡುತೋಪು (Strip- canal plantation and road side plantation)	27,300.68
9.	2 ಹೆಕ್ಟೇರ್‌ಗಿಂತ ಕಡಿಮೆ ಪ್ರದೇಶ (Less than 2 hectares)	10,949.67
10.	ಪ್ರತಿ ಹೆಕ್ಟೇರಿಗೆ 50 ಕ್ಕಿಂತ ಕಡಿಮೆ ಮರಗಳಿರುವ ಪ್ರದೇಶ (areas less than 50 trees per hectare)	1,62,073.52
11.	ಇತರೆ ವಿಭಾಗಗಳಿಗೆ /ಇಲಾಖೆಗಳಿಗೆ ವರ್ಗಾಯಿಸಲಾದ ಪ್ರದೇಶಗಳು (Area transferred to other divisions/Departments)	21,030.02
12.	ವಿವಿಧ ಶಾಸನಬದ್ಧ ನಿಬಂಧನೆಗಳ ಪ್ರಕಾರ ಅರಣ್ಯ (Forest as per various statutory provisions)	1,72,814.66
	ಒಟ್ಟು	7,73,326.91

ಮೇಲೆ ಓದಲಾದ (3) ರ ಆದೇಶದಲ್ಲಿ ನೀಡಲಾಗಿರುವ ಮಾನದಂಡಗಳಂತೆ ಜಿಲ್ಲಾ ಮಟ್ಟದ ಸಮಿತಿಗಳು ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ -1 ರ ವರದಿಯಲ್ಲಿನ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಕೂಡುವುದರಲ್ಲಿ (Totalling Errors), ಪರಿವರ್ತನೆಯಲ್ಲಿ (Conversion Errors), ವರ್ಗೀಕರಣದಲ್ಲಿ (Categorisation Errors) ಸರ್ವೆ ನಂಬರ್ (Survey Number Errors) ದೋಷಗಳಿರುವ ಪ್ರದೇಶಗಳು ಖಾಸಗಿ ಪಟ್ಟಾ, ಅಸ್ತಿತ್ವದಲ್ಲಿಲ್ಲದ ಸರ್ವೆ ನಂಬರ್, ಮೀಸಲು ಅರಣ್ಯ ಪ್ರದೇಶ, ಕರೆತೀರ, ಸಾಂಸ್ಥಿಕ, ಶಾಲಾ ನೆಡುತೋಪು ಇತ್ಯಾದಿಗಳು, ಸ್ಟ್ರಿಪ್ - ಕಾಲುವೆ ನೆಡುತೋಪು ಮತ್ತು ರಸ್ತೆ ಬದಿ ನೆಡುತೋಪು, 2 ಹೆಕ್ಟೇರ್‌ಗಿಂತ ಕಡಿಮೆ ಪ್ರದೇಶ, ಪ್ರತಿ ಹೆಕ್ಟೇರಿಗೆ 50 ಕ್ಕಿಂತ ಕಡಿಮೆ ಮರಗಳಿರುವ, ಇತರೆ ವಿಭಾಗಗಳಿಗೆ/ಇಲಾಖೆಗಳಿಗೆ ವರ್ಗಾಯಿಸಲಾದ ಪ್ರದೇಶಗಳು, ವಿವಿಧ ಶಾಸನಬದ್ಧ ನಿಬಂಧನೆಗಳ ಪ್ರಕಾರ ಅರಣ್ಯ ಮತ್ತು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಕ್ಷೇತ್ರದ ಮಾನದಂಡಗಳಿಗೆ ಅನುಗುಣವಾಗಿರದ ಪ್ರದೇಶಗಳನ್ನು ಪ್ರತ್ಯೇಕಿಸಿ,

2,21,554.20 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳೆಂದು ಗುರುತಿಸಿರುತ್ತವೆ. ಅಲ್ಲದೇ ಮಾನದಂಡಗಳಿಗೆ ಅನುಗುಣವಾಗಿರುವ, ಆದರೆ ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ರಲ್ಲಿ ಸೇರ್ಪಡೆಯಾಗದೇ ಇರುವ 1,08,632.73 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಹೆಚ್ಚುವರಿಯಾಗಿ ಗುರುತಿಸಿ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳೆಂದು ಸೇರ್ಪಡಿಸಲು ಸಲ್ಲಿಸಿರುತ್ತವೆ.

ಈ ರೀತಿ ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ಗುರುತಿಸಿದ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಮಾನದಂಡಗಳನ್ವಯ ಪರಿಶೀಲಿಸಿ ಗುರುತಿಸಿರುವ 2,21,554.20 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಮತ್ತು ಪುನರಾರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ರಲ್ಲಿ ಸೇರ್ಪಡೆಯಾಗದೇ ಇರುವ ಆದರೆ ಕ್ಷೇತ್ರೀಯ ಮಾನದಂಡಗಳಿಗೆ ಅನುಗುಣವಾಗಿರುವ 1,08,632.73

ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಒಟ್ಟುಗೂಡಿಸಿ ಒಟ್ಟಾರ 3,30,186.93 ಹೆಕ್ಟೇರ್ (2,21,554.20+1,08,632.73) ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಪರಿಭಾವಿತ ಅರಣ್ಯಗಳೆಂದು ಜಿಲ್ಲಾಮಟ್ಟದ ಸಮಿತಿಗಳು ಗುರುತಿಸಿ ಸಲ್ಲಿಸಿದ ವಿವರಗಳನ್ನು ಸಚಿವ ಸಂಪುಟದ ಅನುಮೋದನೆಯೊಂದಿಗೆ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅಫಿಡವಿಟ್ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ.

ಮೇಲೆ ವಿವರಿಸಿದಂತೆ ಪರಿಭಾವಿತ ಅರಣ್ಯವೆಂದು ಗುರುತಿಸಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿರುವ ಪ್ರದೇಶಗಳನ್ನು ಅರಣ್ಯೇತರ ಉದ್ದೇಶಗಳಿಗೆ ಬಳಕೆಯಾಗದಂತೆ ಸಂರಕ್ಷಿಸಿ ಅಭಿವೃದ್ಧಿಪಡಿಸುವುದು ಅವಶ್ಯಕವಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ಕೆಳಗಿನಂತೆ ಆದೇಶಿಸಿದೆ.

**ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಅಪಜೀ 185 ಎಫ್‌ಎಎಫ್ 2011,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 05-05-2022**

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿದ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಕ್ಷೇತ್ರಿಯ ಮಾನದಂಡಗಳನ್ವಯ ಜಿಲ್ಲಾಮಟ್ಟದ ಸಮಿತಿಗಳು ಗುರುತಿಸಿ, ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿರುವ ಈ ಆದೇಶಕ್ಕೆ ಲಗತ್ತಿಸಿರುವ ಅನುಬಂಧದಲ್ಲಿನ 3,30,186.93 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಸಂರಕ್ಷಿಸಿ ಅಭಿವೃದ್ಧಿಗೊಳಿಸುವ ದೃಷ್ಟಿಯಿಂದ "ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳು (Deemed Forests)" ಎಂದು ಅಧಿಸೂಚಿಸಿ ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ಎಂ. ಸತ್ಯವತಿ)

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ

ಅನುಬಂಧ

(ಆದೇಶ ಸಂಖ್ಯೆ: ಅಪಜೀ 185 ಎಫ್‌ಎಎಫ್ 2011, ದಿನಾಂಕ: 05-05-2022 ರ ಅನುಬಂಧ)

ಜಿಲ್ಲಾವಾರು ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳ ವಿವರ:

ಕ್ರಮ ಸಂಖ್ಯೆ	ಜಿಲ್ಲೆಯ ಹೆಸರು	ವಿಸ್ತೀರ್ಣ (ಹೆಕ್ಟೇರ್‌ಗಳಲ್ಲಿ)
1.	ಬಾಗಲಕೋಟೆ	317.90
2.	ಬೆಳಗಾವಿ	11078.50
3.	ಬಳ್ಳಾರಿ	12135.36
4.	ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ	3416.49
5.	ರಾಮನಗರ	3389.99
6.	ಬೆಂಗಳೂರು ನಗರ	2166.04
7.	ಬೀದರ್	16954.19
8.	ಚಾಮರಾಜನಗರ	7514.07
9.	ಕೋಲಾರ	4986.70
10.	ಚಿಕ್ಕಬಳ್ಳಾಪುರ	20016.99
11.	ಚಿಕ್ಕಮಗಳೂರು	52900.11

12.	ಚಿತ್ರದುರ್ಗ	10066.00
13.	ದಕ್ಷಿಣ ಕನ್ನಡ	12181.78
14.	ದಾವಣಗೆರೆ	2017.37
15.	ಧಾರವಾಡ	497.89
16.	ಗದಗ	420.86
17.	ಹಾಸನ	18091.53
18.	ಹಾವೇರಿ	2518.39
19.	ಕಲಬುರಗಿ	12832.23
20.	ಯಾದಗಿರಿ	2133.29
21.	ಕೊಡಗು	10298.58
22.	ಕೊಪ್ಪಳ	13302.42
23.	ಮಂಡ್ಯ	32958.95
24.	ಮೈಸೂರು	6430.13
25.	ರಾಯಚೂರು	9003.41
26.	ಶಿವಮೊಗ್ಗ	36968.79
27.	ತುಮಕೂರು	13388.64
28.	ಉಡುಪಿ	10769.02
29.	ವಿಜಯಪುರ	325.23
30.	ಉತ್ತರಕನ್ನಡ	1106.08
ಒಟ್ಟು		330186.93

(ಎಂ. ಸತ್ಯವತಿ)

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ, ಇಲಾಖೆ

PR-179

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ:- 2021-22ನೇ ಸಾಲಿನ 'ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪರಿಸರ ಪ್ರಶಸ್ತಿ' ನೀಡಲು ಆಯ್ಕೆ ಸಮಿತಿ ರಚಿಸುವ ಕುರಿತು.

ಪ್ರಸ್ತಾವನೆ:-

ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ವಿಶ್ವ ಪರಿಸರ ದಿನಾಚರಣೆಯಂದು ಅರಣ್ಯ, ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ, ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ವಿಭಾಗದಿಂದ ಪ್ರತಿ ವರ್ಷ ಪರಿಸರ ಸಂರಕ್ಷಣೆ ಮತ್ತು ವ್ಯವಸ್ಥಾಪನಾ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಗಣನೀಯ ಸೇವೆ ಸಲ್ಲಿಸಿದ ವ್ಯಕ್ತಿ ಹಾಗೂ ಸಂಸ್ಥೆ (ಸರ್ಕಾರಿ/ಸರ್ಕಾರೇತರ, ಕಂಪನಿಗಳು, ಟ್ರಸ್ಟ್‌ಗಳು ಹಾಗೂ ಇತರೆ)ಗಳಿಗೆ ತಲಾ 1.00 ಲಕ್ಷ ನಗದು ಹಾಗೂ ಪ್ರಶಸ್ತಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನೊಳಗೊಂಡ ರಾಜ್ಯ ಪರಿಸರ ಪ್ರಶಸ್ತಿ ನೀಡಲಾಗುತ್ತದೆ. ಅದೇ ರೀತಿಯಾಗಿ 2021-22ನೇ ಸಾಲಿನ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪರಿಸರ ಪ್ರಶಸ್ತಿಗಾಗಿ ಅರ್ಹ ವ್ಯಕ್ತಿ ಹಾಗೂ ಸಂಸ್ಥೆಗಳಿಂದ ಅರ್ಜಿ/ನಾಮನಿರ್ದೇಶನಗಳನ್ನು ಆಹ್ವಾನಿಸಲಾಗಿದೆ. ಈ ಪ್ರಶಸ್ತಿಗಳನ್ನು ರಾಜ್ಯ ಮಲೆನಾಡು/ ಕರಾವಳಿ ವಲಯ (ಶಿವಮೊಗ್ಗ, ಚಿಕ್ಕಮಗಳೂರು, ಮೈಸೂರು, ಕೊಡಗು, ಚಾಮರಾಜನಗರ, ಹಾಸನ, ದಕ್ಷಿಣಕನ್ನಡ ಜಿಲ್ಲೆ, ಉತ್ತರಕನ್ನಡ ಜಿಲ್ಲೆ ಮತ್ತು ಉಡುಪಿ ಜಿಲ್ಲೆಗಳು), ದಕ್ಷಿಣ ವಲಯ (ಮಂಡ್ಯ, ರಾಮನಗರ, ಬೆಂಗಳೂರು ನಗರ, ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ, ಕೋಲಾರ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ, ತುಮಕೂರು, ದಾವಣಗೆರೆ ಮತ್ತು ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆಗಳು) ಮತ್ತು ಉತ್ತರ ವಲಯ (ಬೆಳಗಾವಿ, ಹಾವೇರಿ, ಧಾರವಾಡ, ಗದಗ, ಬಳ್ಳಾರಿ, ಬಾಗಲಕೋಟೆ, ವಿಜಯನಗರ ವಿಜಯನಗರ

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ,
4ನೇ ಮಹಡಿ, ಅರಣ್ಯ ಭವನ,
18ನೇ ಅಡ್ಡರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ,

ಬೆಂಗಳೂರು-560003 ದೂರವಾಣಿ: 080-23347008

Office of the Principal Chief
Conservator of Forests
(Head of Forest Force)
4th Floor, Aranya Bhavan,
18th Cross, Malleshwaram,
Bengaluru - 560 003

Email: apcfw@karnataka.gov.in

ಸಂಖ್ಯೆ: KFD/WP/RFO(DF)/1/2021

ದಿನಾಂಕ: 11.2023

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳ ಕುರಿತು.

- ಉಲ್ಲೇಖ: 1. ಈ ಕಚೇರಿಯ ಸಮ ಪತ್ರ ಸಂ: ದಿನಾಂಕ: 12/24.04.2019
2. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಎಫ್‌ಇಇ 185 ಎಫ್‌ಎಎಫ್
2011, ದಿನಾಂಕ: 15.05.2014
3. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಎಫ್‌ಇಇ 185 ಎಫ್‌ಎಎಫ್
2011, ದಿನಾಂಕ: 05.05.2022.
4. ದಿನಾಂಕ: 18.08.2023 ರಂದು ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ
ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಜರುಗಿದ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು
ದಾಖಲಿಸಲಾಗಿರುವ "ಪ್ರಕ್ರಿಯೆಗಳ ದಾಖಲೆ" (Record of
Proceedings)

ರಾಜ್ಯದ ಪರಿಭಾವಿತ ಅರಣ್ಯಗಳ ಕುರಿತು ಉಲ್ಲೇಖ(1)ರನ್ವಯ ಕೆಲವು ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡಲಾಗಿತ್ತು. ಉಲ್ಲೇಖ (2) ರ ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ನೀಡಲಾಗಿರುವ ಮಾನದಂಡಗಳಂತೆ ಜಿಲ್ಲಾ ಮಟ್ಟದ ಸಮಿತಿಗಳು ಪುನರ್ ರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ರ ವರದಿಯಲ್ಲಿನ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಕೂಡುವುದರಲ್ಲಿ, ಪರಿವರ್ತನೆಯಲ್ಲಿ, ವರ್ಗೀಕರಣದಲ್ಲಿ, ಸರ್ವೆ ನಂಬರ್ ದೋಷಗಳಿರುವ ಪ್ರದೇಶಗಳು, ಖಾಸಗಿ ಪಟ್ಟಾ, ಅಸ್ತಿತ್ವದಲ್ಲಿಲ್ಲದ ಸರ್ವೆ ನಂಬರ್, ಮೀಸಲು ಅರಣ್ಯ ಪ್ರದೇಶ, ಕರೆತೀರ, ಸಾಂಸ್ಥಿಕ, ಶಾಲಾ ನೆಡುತೋಪು ಇತ್ಯಾದಿಗಳು, ಸ್ವಿಪ್-ಕಾಲುವೆ ನೆಡುತೋಪು ಮತ್ತು ರಸ್ತೆ ಬದಿ ನೆಡುತೋಪು, ಎರಡು ಹೆಕ್ಟೇರ್‌ಗಿಂತ ಕಡಿಮೆ ಪ್ರದೇಶ, ಪ್ರತಿ ಹೆಕ್ಟೇರ್‌ಗೆ 50 ಕ್ಕಿಂತ ಕಡಿಮೆ ಮರಗಳಿರುವ ಪ್ರದೇಶ, ಇತರೆ ವಿಭಾಗಗಳಿಗೆ / ಇಲಾಖೆಗಳಿಗೆ ವರ್ಗಾಯಿಸಲಾದ ಪ್ರದೇಶಗಳು, ವಿವಿಧ ಶಾಸನಬದ್ಧ ನಿಬಂಧನೆಗಳ ಪ್ರಕಾರ ಅರಣ್ಯ ಮತ್ತು ನಿರ್ದಿಷ್ಟ ಪಡಿಸಿದ ಕ್ಷೇತ್ರದ ಮಾನದಂಡಗಳಿಗೆ ಅನುಗುಣವಾಗಿರದ ಪ್ರದೇಶಗಳನ್ನು ಪ್ರತ್ಯೇಕಿಸಿ 2,21,554.20 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳೆಂದು ಗುರುತಿಸಿರುತ್ತವೆ. ಅಲ್ಲದೇ, ಮಾನದಂಡಗಳಿಗೆ ಅನುಗುಣವಾಗಿರುವ, ಆದರೆ ಪುನರ್ ರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ರಲ್ಲಿ ಸೇರ್ಪಡೆಯಾಗದೇ ಇರುವ 1,08,632.73 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಹೆಚ್ಚುವರಿಯಾಗಿ ಗುರುತಿಸಿ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳೆಂದು ಸೇರ್ಪಡಿಸಲು ಸಲ್ಲಿಸಿರುತ್ತವೆ.

ಈ ರೀತಿ ಪುನರ್ ರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ಗುರುತಿಸಿದ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ನಿರ್ದಿಷ್ಟ ಪಡಿಸಿದ ಮಾನದಂಡಗಳನ್ವಯ ಪರಿಶೀಲಿಸಿ ಗುರುತಿಸಿರುವ 2,21,554.20 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಮತ್ತು ಪುನರ್ ರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ರಲ್ಲಿ ಸೇರ್ಪಡೆಯಾಗದೇ ಇರುವ ಆದರೆ ಕ್ಷೇತ್ರೀಯ ಮಾನದಂಡಗಳಿಗೆ ಅನುಗುಣವಾಗಿರುವ 1,08,632.73 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಒಟ್ಟು ಗೂಡಿಸಿ ಒಟ್ಟಾರೆ 3,30,186.93 ಹೆಕ್ಟೇರ್ (2 21 554 20 + 1.08.632.73) ಪ್ರದೇಶಗಳನ್ನು ಪರಿಭಾವಿತ ಅರಣ್ಯಗಳೆಂದು ಜಿಲ್ಲಾ ಮಟ್ಟದ

/516542/2023

ಸಮಿತಿಗಳು ಗುರುತಿಸಿ ಸಲ್ಲಿಸಿದ ವಿವರಗಳನ್ನು ಸಚಿವ ಸಂಪುಟದ ಅನುಮೋದನೆಯೊಂದಿಗೆ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ದಿನಾಂಕ: 11.01.2022 ರಂದು ಸರ್ಕಾರದಿಂದ ಅಫಿಡವಿಟ್ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ.

ಉಲ್ಲೇಖ (3) ರ ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ಸದರಿ ಪರಿಭಾವಿತ ಅರಣ್ಯವೆಂದು ಗುರುತಿಸಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿರುವ ಪ್ರದೇಶಗಳನ್ನು ಅರಣ್ಯೇತರ ಉದ್ದೇಶಗಳಿಗೆ ಬಳಕೆಯಾಗದಂತೆ ಸಂರಕ್ಷಿಸಿ, ಅಭಿವೃದ್ಧಿ ಪಡಿಸುವ ಉದ್ದೇಶದಿಂದ ಒಟ್ಟು 3,30,186.93 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು "ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳು (Deemed Forests)" ಎಂದು ಅಧಿಸೂಚಿಸಿ ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ.

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಧ್ಯಂತರ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 44942/2019 ರಲ್ಲಿ ದಿನಾಂಕ: 18.08.2023 ರಂದು ಈ ಕೆಳಗಿನಂತೆ ಆದೇಶಿಸಿರುತ್ತದೆ.

1. In pursuance to the judgement passed by this Court on 12.12.1996 (T.N. Godavarman Thirumulpad V. Union of India (1997) 2 SCC 267), the State of Karnataka has submitted that it has constituted an Expert Committee.
2. In the affidavit, it is further stated that as per the report of the committee, an area ad measuring 3,30,186.93 Ha. has been identified as deemed forest & the same has also been approved by State Government.
3. The said compliance is taken on record.
4. The application stands disposed of."

ಮೇಲೆ ವಿವರಿಸಿದ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಉಲ್ಲೇಖ (3) ರ ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ಅಧಿಸೂಚಿಸಲಾದ ಪರಿಭಾವಿತ ಅರಣ್ಯಗಳ ಕುರಿತಂತೆ ಈ ಕೆಳಕಂಡ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ತಿಳಿಸಿದೆ.

1. ಪುನರ್ ರಚಿತ ತಜ್ಞರ ಸಮಿತಿ-1 ಗುರುತಿಸಿದ್ದ 9,94,881.11 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳಲ್ಲಿ 3,30,186.93 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶಗಳನ್ನು ಡೀಮ್ಡ್ ಅರಣ್ಯಗಳೆಂದು ಅಧಿಸೂಚಿಸಿರುವುದರಿಂದ ಮತ್ತು ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಈ ಅನುಸರಣೆಯನ್ನು ದಾಖಲಿಸಿಕೊಂಡಿರುವುದರಿಂದ ಈ ಪ್ರದೇಶಗಳಿಗೆ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1980 ಅನ್ವಯವಾಗುವುದರಿಂದ, ಅಧಿಸೂಚಿಸಲಾಗಿರುವ ಪ್ರದೇಶಗಳನ್ನು ಅರಣ್ಯೇತರ ಉದ್ದೇಶಗಳಿಗೆ ಬಳಕೆಯಾಗದಂತೆ ಸಂರಕ್ಷಿಸುವುದು.
2. ಈ ಕುರಿತು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳೊಂದಿಗೆ ಸಮನ್ವಯ ಸಾಧಿಸಿ ಸದರಿ ಪ್ರದೇಶಗಳನ್ನು ಮೀಸಲು / ರಕ್ಷಿತ ಅರಣ್ಯಗಳೆಂದು ಅಧಿಸೂಚಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಕಾನೂನಾತ್ಮಕ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದು. ಈ ಕುರಿತು ಕೈಗೊಂಡ ಕ್ರಮದ ವರದಿ ಸಲ್ಲಿಸುವುದು.
3. ಈ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳನ್ನು ಅರಣ್ಯೇತರ ಉದ್ದೇಶಗಳಿಗೆ ಬಳಕೆಯಾಗದಂತೆ ಸಂರಕ್ಷಿಸಲು ಮತ್ತು ಅಭಿವೃದ್ಧಿಪಡಿಸಲು ಅರಣ್ಯೇಕರಣ, ಗಡಿ ಸರ್ವೆ ಕಾರ್ಯ ಗಡಿ ಗುರುತಿಸುವಿಕೆ ಇತ್ಯಾದಿ ಅಂಶಗಳನ್ನೊಳಗೊಂಡಂತೆ ಸಮಗ್ರ ಯೋಜನೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಸಲ್ಲಿಸುವುದು.
4. ಅಧಿಸೂಚಿಸಲಾಗಿರುವ ಪರಿಭಾವಿತ ಅರಣ್ಯ ಪ್ರದೇಶಗಳಲ್ಲಿ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಸರ್ವೆ ನಂಬರ್‌ನ ಭಾಗಶಃ ಪ್ರದೇಶವು ಪರಿಭಾವಿತ ಅರಣ್ಯ ಎಂದು

a BNSJ208-4

21

SPEED POST

D.NO. 40155/2023/SC/PIL(W)

All Communications should be addressed to the Registrar Supreme Court by designation, NOT by name

SUPREME COURT
INDIA
NEW DELHI

Dated: 05th March, 2024

FROM : Assistant Registrar, PIL (WRIT)

TO,

- 1 Union of India,
Ministry of Environment, Forest & Climate Change
Through the Secretary,
Jor Bagh, Lodhi Colony,
New Delhi, Delhi 110003
- 2 State of Andhra Pradesh,
Through the Chief Secretary,
Secretariat, Velagapudi
Andhra Pradesh
- 3 State of Arunachal Pradesh,
Through the Chief Secretary,
Secretariat, Itanagar
Arunachal Pradesh
- 4 State of Assam,
Through the Chief Secretary,
Secretariat, Guwahati
Assam
- 5 State of Bihar,
Through the Chief Secretary,
Secretariat, Patna
Bihar
- 6 State of Chhattisgarh,
Through the Chief Secretary,
Secretariat Mahanadi Bhawan
Naya Raipur,
Chhattisgarh
- 7 State of Goa,
Through the Chief Secretary,
Secretariat, Porvorim
Goa

- 8 State of Gujarat,
Through the Chief Secretary,
Secretariat, Gandhinagar
Gujarat
- 9 State of Haryana,
Through the Chief Secretary,
Secretariat, Chandigarh,
Haryana
- 10 State of Himachal Pradesh,
Through the Chief Secretary,
Secretariat, Shimla
Himachal Pradesh
- 11 State of Jharkhand,
Through the Chief Secretary,
Secretariat, Ranchi
Jharkhand
- 12 State of Karnataka,
Through the Chief Secretary,
Secretariat, Bangalore
Karnataka
- 13 State of Kerala,
Through the Chief Secretary,
Secretariat, Thiruvananthapuram
Kerala
- 14 State of Madhya Pradesh,
Through the Chief Secretary,
Secretariat, Bhopal,
Madhya Pradesh
- 15 State of Maharashtra,
Through the Chief Secretary,
Secretariat, Mantralaya,
Mumbai, Maharashtra
- 16 State of Manipur
Through the Chief Secretary,
Secretariat, Imphal
Manipur
- 17 State of Meghalaya,
Through the Chief Secretary,
Secretariat, Shillong
Meghalaya

- 18 State of Mizoram,
Through the Chief Secretary,
Secretariat, Aizawl, Mizoram

- 19 State of Nagaland,
Through the Chief Secretary,
Secretariat, Kohima
Nagaland

- 20 State of Odisha,
Through the Chief Secretary,
Secretariat, Bhubaneswar
Odisha

- 21 State of Punjab,
Through the Chief Secretary,
Secretariat,
Chandigarh

- 22 State of Rajasthan,
Through the Chief Secretary,
Secretariat, Jaipur,
Rajasthan

- 23 State of Sikkim,
Through the Chief Secretary,
Secretariat, Gangtok
Sikkim

- 24 State of Tamil Nadu,
Through the Chief Secretary,
Secretariat, Chennai,
Tamil Nadu

- 25 State of Telangana
Through the Chief Secretary,
Secretariat, Hyderabad
Telangana

- 26 State of Tripura,
Through the Chief Secretary,
New Secretariat Complex, Agartala
Tripura

- 27 State of Uttarakhand
Through the Chief Secretary,
Secretariat, Dehradun
Uttarakhand.

- 28 State of Uttar Pradesh
Through the Chief Secretary,
Secretariat, Lucknow
Uttar Pradesh
- 29 State of West Bengal,
Through the Chief Secretary,
Secretariat Headquarter
"Nabanna" HRBC Building, 325, Sarat Chatterjee Road,
Howrah -711 102, West Bengal
- 30 Union Territory of Andaman & Nicobar,
Through the Chief Secretary,
Secretariat,
Port Blair
- 31 Union Territory of Chandigarh,
Through the Chief Secretary,
Secretariat
Chandigarh-160001
- 32 Union Territory of Dadra & Nagar Haveli
and Daman & Diu
Through the Secretary
Secretariat, Fort Area
Moti Daman - 396220
- 33 Union Territory of National Capital Territory of Delhi
Through the Chief Secretary
Secretariat, I P Estate
New Delhi
- 34 Union Territory of Lakshadweep,
Through the Chief Secretary,
Secretariat,
Kavaratti- 682555
- 35 Union Territory of Puducherry
Through the Chief Secretary,
Secretariat
Puducherry- 605001
- 36 UT of Jammu & Kashmir,
Through Chief Secretary
Secretariat, Srinagar - 190001
- 37 UT of Ladakh
Through Lieutenant Governor
Civil Secretariat
Leh-Ladakh 194101

WRIT PETITION (CIVIL) NO. 1164 OF 2023

WITH

WRIT PETITION (CIVIL) NO. 1336 OF 2023

WRIT PETITION (CIVIL) NO. 1375 OF 2023

WRIT PETITION (CIVIL) NO. 42 OF 2024

WRIT PETITION (CIVIL) NO. 85 OF 2024

Sir,

I am directed to forward herewith a certified copy of Signed Order dated 19.02.2024 passed in the matters above-mentioned for your information, compliance and necessary action.

Please acknowledge receipt.

Yours faithfully,

Al
6/3/24
Assistant Registrar

WPC 1164/2023

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No 1164 of 2023

266121

Ashok Kumar Sharma, Indian Forest Service
(Retired) and Others

... Petitioners
Certified to be true Copy

Versus

Assistant Registrar (Judl.)

Union of India and Another

6/3/2024
Supreme Court of India
... Respondents

WITH

Writ Petition (Civil) No 1336 of 2023

Writ Petition (Civil) No 1375 of 2023

Writ Petition (Civil) No 42 of 2024

Writ Petition (Civil) No 85 of 2024

ORDER

1 In *T N Godavarman Thirumulpad vs Union of India*¹, this Court while noting that the Forest Conservation Act 1980 was enacted to curb the deforestation which results in an ecological imbalance, indicated that the

1 (1997) 2 SCC 267

provisions incorporated to conserve forests and for other connected matters "must apply to all forests irrespective of the nature of ownership or classification". Apart from the above principle, the Court spelt out in paragraph 4 of the order, the meaning which must be attributed to the expression 'forest'. For convenience of reference, it would be appropriate to disaggregate the contents of paragraph 4 so as to indicate the components of the expression 'forest' as explained in the order of this Court:

Firstly, the decision in **T N Godavarman** (*supra*) indicates that expression 'forest' must be understood according to its dictionary meaning;

Secondly, the description of the expression 'forest' would cover all statutorily recognized forests whether they are designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act 1980;

Thirdly, besides including forests as understood in the dictionary sense, the term 'forest' in Section 2 would include "also any area recorded as forest in the government record irrespective of the ownership"; and

Fourthly, the provisions for the conservation of forests and ancillary matters in the Forest Conservation Act 1980 must apply to all forests "so understood" irrespective of ownership or classification.

- 2 The directions which were issued by this Court, included the following:
 - (i) The necessity of prior approval of the Central Government for any non-forest activity within the area of any "forest"; and
 - (ii) A mandamus to the State Governments to constitute Expert Committees to:
 - (a) Identify areas which are forests irrespective of whether they are so notified, recognized or classified under any law and irrespective of the ownership of the land;
 - (b) Identify areas which were earlier forests, but were degraded, denuded or cleared; and
 - (c) Identify areas covered by plantation trees belonging to the government and those belonging to private persons.

- 3 Further directions were issued in the judgment of this Court in ***T N Godavarman Thirumulpad vs Union of India [Lafarge Umlam Mining Private Limited - Applicant]***².

- 4 The process of identification of forests was crucial to the implementation of the directions which were issued by this Court. The purpose of identification was to ensure that the areas which fell within the description of 'forests' as

2 (2011) 7 SCC 338

explained in the decision would be capable of being preserved upon the process of identification being carried out under the auspices of Expert Committees in every State.

- 5 In this batch of petitions, there is a challenge to the constitutional validity of the Forest Conservation Amendment Act 2023 (Act No 15 of 2023).
- 6 Section 4 of the Amending Act has introduced Section 1A after Section 1 of the principal Act in the following terms:

"4. After section 1 of the principal Act, the following section shall be inserted, namely:—

'1A. (1) The following land shall be covered under the provisions of this Act, namely:—

- (a) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force;
- (b) the land that is not covered under clause (a), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

- (a) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;
- (b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (1); and (c) such forest land,—
 - (i) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or
 - (ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or
 - (iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(3) The exemption provided under sub-section (2) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify."

- 7 Sub-section (1) of Section 1A, as introduced, indicates that two categories of lands are sought to be covered under the provisions of the parent enactment, namely, (i) lands which have been declared or notified as forests under the Act of 1927 or any other law for the time being in force; and (ii) lands not covered by (i) but which are recorded in government records as forests on or after 25 October 1980. An exception is provided in the proviso

as set out above. The Explanation indicates that for the purpose of sub-section (1) of Section 1A, 'government records' would mean records held by the Revenue department or forest department of the State or Union Territory or any authority, local body, community or council recognized by the State Government.

- 8 The amendment is in challenge on the ground that while the dictionary meaning of the expression 'forests' which was adopted in **T N Godavarman** (*supra*) provided a broad and all encompassing meaning to the expression, the amendment circumscribes the coverage of the statute to two categories falling in clauses (a) and (b) of sub-section (1) of Section 1A. As a consequence, it has been submitted that whereas the total coverage of forests in the country is expected to be in the vicinity of 7.13 lakhs square kilometers, about 1.97 lakh square kilometers would stand excluded by the constriction of the coverage by the amending legislation.
- 9 Rule 16 of the Rules which were notified on 29 November 2023 deals with 'miscellaneous matters' and provides that for the purpose of the explanation of the expression 'government records' in sub-section (1) of Section 1A, the State Governments and the Union Territory administrations shall within a period of one year prepare a consolidated record of such lands, including (i) 'forest like areas' identified by the Expert Committee constituted for this purpose; (ii) 'unclassed forest lands'; and (iii) 'community forest lands' to which the provisions of the Amending Act would be applicable. The

provisions of Rule 16(1) are footnoted³ below.

- 10 Sub-Rule 4 of Rule 16 indicates that for the purpose of forest cover under the Rules, the figures and description used in the latest India State of Forest Report published by the Forest Survey of India shall be referred.
- 11 Mr Prashanto Chandra Sen, senior counsel and Mr Prashant Bhushan, counsel for the petitioners have submitted that the application of the provisions of amended Section 1A is likely to result in a substantial dilution of the coverage of lands protected as forests under the broad definition adopted in the judgment of **T N Godavarman** (*supra*). On the other hand, the argument of the Union of India, as set forth by Ms Aishwarya Bhati, Additional Solicitor General, is that the purpose of introducing the amendment and the Rules as noted above was not to constrict the definition as adopted by this Court, but to implement the decision. In other words, the case of the Union of India is that the coverage which has been statutorily provided for in Section 1A as well as Rule 16 is in furtherance of the above decision of this Court.
- 12 On 30 November 2023, this Court, in the course of the preliminary hearing, noted the submissions which were urged on behalf of the petitioners which have been reiterated in the submissions urged at this hearing.

3 16. **Miscellaneous.**- (1) For the purpose of explanation of government records provided under sub-section (1) of Section 1A of the Adhiniyam, the State Governments and Union Territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee constituted for this purpose, unclassified forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable.

- 13 At that stage, a statement was made by the Additional Solicitor General appearing on behalf of the Union Government that "there is no intention to dilute the scope of forest as defined in the judgment of this Court in **T N Godavarman** (*supra*)". Hence, it was also stated that the exemptions which would be granted under sub-section (2) of Section 1A would accord with the guidelines which may be spelt by the Union Government. The Union Government, the Court was informed, was in the process of formulating the guidelines, but in order to allay the apprehensions of the petitioners, a statement was made by the Additional Solicitor General that no precipitate action will be taken by the Union Government "until further orders in respect of the forest as understood in accordance with the dictionary sense".
- 14 The decision in **T N Godavarman** (*supra*) needs to be understood from two perspectives. First, the expression 'forest' was read in a broad sense bearing in mind the object and purpose of the Forest Conservation Act 1980. While adopting the dictionary meaning of the expression 'forest', the Court intended to impart a purposive interpretation to the phrase so as to accord with the intent underlying the enactment of the law in 1980. Hence, the Court clarified that this would cover but not be confined only to lands recorded as forest in government records. Moreover, the expression 'forest' would be independent of the nature of ownership or title.

- 15 As regards the modalities for implementing the directions, the decision of this Court envisaged that all State Governments would constitute Expert Committees in order to identify forests as understood in the judgment. Proper implementation of the directions would take place once a process of identification was made.
- 16 By the amending statute, the coverage of the Act has been extended to two categories. The first category consists of lands which have been declared or identified as forests in accordance with the Indian Forest Act or any other law for the time being in force. The second category consists of lands which have not been so declared or notified but which are recorded in government records as forests on or after 25 October 1980. The Explanation somewhat broadens the definition of the expression government records so as to include lands recorded either in the records of the Revenue or Forest departments of the States or Union Territories or any other authorities, local bodies, communities or council recognized by the State/Union Territories.
- 17 Rule 16 to which a reference has been made above requires the States and the Union Territory Administrations to prepare a consolidated record of such lands for the purpose of the explanation of government records under sub-section (1) of Section 1A. This would include forest like areas identified by the Expert Committees for this purpose, unclassified forest lands or community forest lands to which the provisions of the amended statute would be applicable. Such an exercise is to be carried out within a period of one year.

It is thus evident that the exercise which is to be carried out by the State Governments and the Union Territory Administrations is expected to be completed within that period. However, there is a need to impart clarity to the position as it should obtain pending such a determination and beyond. The position must be governed by the directions which were issued by this Court in **T N Godavarman** (*supra*), which have held the field for over twenty-five years.

- 18 Both in the submissions at the preliminary hearing on 30 November 2023, as well as in the submissions which were urged during the course of the present hearing, it is not the contention of the Union Government that the statutory amendment seeks to bring about any change in the law which was laid down in **T N Godavarman** (*supra*). That apart, both the counsel for the petitioners have adverted to the stand of the Government before the Joint Parliamentary Committee which preceded the enactment of the law and the clear elaboration of the Union of India that the proposed coverage in the legislative provision which was under consideration, would accord with the decision of this Court. That being the position, we clarify that pending the completion of the exercise by the Administrations of the State Governments and the Union Territories under Rule 16 and pending these proceedings, the principles which are elucidated in the judgment of this Court in **T N Godavarman** (*supra*) must continue to be observed.

- 19 As a matter of fact, it is evident that Rule 16 includes within its ambit forest like areas to be identified by the Expert Committee, unclassified forest lands; and community forest lands. While being guided by the provisions of the statute and those contained in Rule 16, the State Governments as well as Union Territory Administrations shall peremptorily ensure compliance with the ambit of the expression 'forest' as explained in the decision in **T N Godavarman**.
- 20 The Union Ministry of Environment and Forest shall in pursuance of the interim order issue a circular to all the States and the Union Territory Administrations to act strictly in accordance with the present directions. This shall be issued within two weeks.
- 21 Apart from the above interim direction, it must be noted that following the decision in **T N Godavarman**, Expert Committees were required to be constituted by all the States (and Union Territory Administrations). The reports of the Expert Committees is crucial for the maintenance of a contemporaneous public record of lands which were identified as forests within the ambit of that expression as explained in the decision of this Court. The Union of India through the Ministry of Environment, Forest and Climate Change shall within a period of two weeks from the date of this order require all the States and the Union Territory Administrations to provide to it a comprehensive record of lands which have been identified as forests by the Expert Committees constituted by the State Governments/Union Territories

in pursuance of the directions in **T N Godavarman**.

- 22 All States and Union Territory Administrations shall comply with the present direction by forwarding records of the reports of the Expert Committees to MoEFCC no later than by 31 March 2024. These records shall be maintained by MoEFCC and shall be duly digitized and made available in the electronic format on the website of the MoEFCC no later than by 15 April 2024.
- 23 The Expert Committees which are constituted in pursuance of Rule 16 by the States/Union Territory Administrations shall duly bear in mind the work of identification which was carried out by the Expert Committees in pursuance of the directions in **T N Godavarman**. This shall however not preclude the Expert Committees from expanding the ambit of forest lands which are worthy of protection particularly having regard to the coverage as specified in Section 1A of the amended statute read with Rule 16(1).
- 24 Apart from the above directions, the attention of the Court has been drawn to the provisions contained in Section 5 of the Amending Act of 2023 which is in the following terms:

"5. In the principal Act, section 2 shall be renumbered as sub-section (1) thereof and—

(a) in sub-section (1) as so renumbered,—

(I) in clause (iii), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify" shall be substituted;

(II) in the Explanation, for the long line occurring after clause (b), the following shall be substituted, namely:— but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(i) silvicultural operations including regeneration operations;

(ii) establishment of check-posts and infrastructure for the front line forest staff;

(iii) establishment and maintenance of fire lines;

(iv) wireless communications;

(v) construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;

(vi) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

(vii) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

(viii) any other like purposes, which the Central Government may, by order, specify.;"

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose."

- 25 Our attention is drawn to the fact that a co-ordinate Bench of this Court presided over by Hon'ble Mr Justice B R Gavai has reserved orders on the subject. Specifically, with reference to clause (6) above, we issue an interim order to the effect that any proposal for the establishment of zoos and safaris referred to in the Wile Life Protection Act 1972, enacted by the Government or any authority in forest areas other than protected areas, shall not be finally approved by the States/Union Territories, save and except with the prior permission of this Court. Where any such proposal is sought to be implemented, this Court shall be moved by the Union Government or, as the case may be, the competent authority for the prior approval of this Court. This part of the interim direction will hold the field only till the final judgment of the co-ordinate Bench. Necessarily therefore the judgment of the co-ordinate Bench shall govern the arena, once it is pronounced.
- 26 The Petitions shall now be listed for hearing and final disposal in the month of July 2024.
- 27 Mr Kaushik Chaudhary, Advocate-on-Record for the petitioner and Ms Suhasini Sen, counsel instructing the Additional Solicitor General are nominated as nodal counsel to prepare a consolidated compilation in the electronic form in terms of the Circular dated 22 August 2023.
- 28 The written submissions on behalf of the petitioners shall be provided to the nodal counsel no later than 30 April 2024. The written submissions of the

Union Government in response shall be provided no later than 30 June 2024 to the nodal counsel. The common compilation duly indexed shall be prepared in terms of the above circular and shall be emailed to cmvc.dyc@gmail.com.

IA No 5280 of 2023 In Writ Petition (Civil) No 1336 of 2023

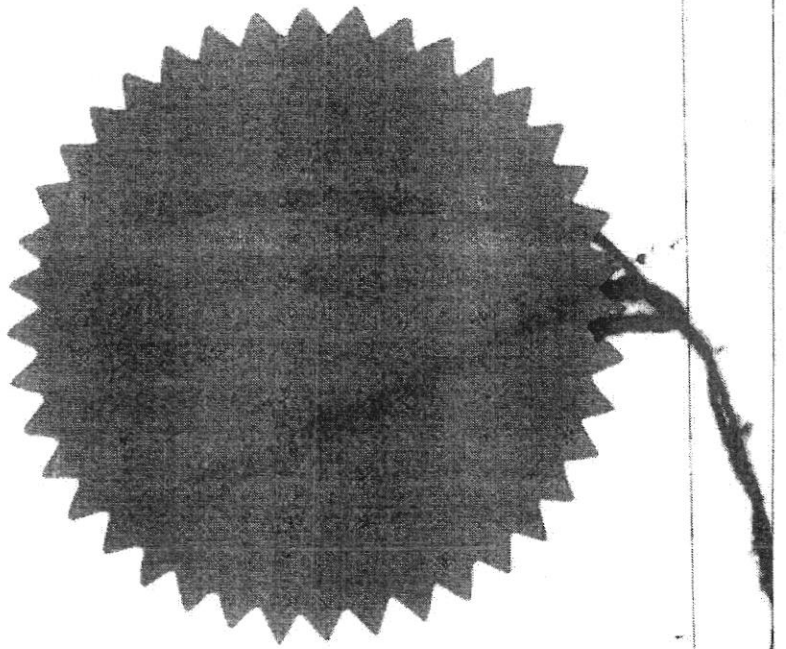
- 1 The application for impleadment is allowed.
- 2 Liberty to serve the Standing Counsel for the newly impleaded States. They shall file their counter affidavit by 31 May 2024.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
February 19, 2024
CKB



Handwritten mark or signature.

Faint, illegible text or markings.