

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Subject To constitute Expert Committees at the District Level, Revenue Divisional Level and the State Level, to prepare consolidated record of lands on which the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 is applicable, in pursuance of the Rule 16 (1) of Van (Sanrakshan Evam Samvardhan) Rules 2023 and in furtherance of the order of Hon'ble Supreme Court dated 19.02.2024 in Writ Petition (Civil) No. 1164 of 2023 read with WP (C) No. 202 of 1995 thereof.

Read

1. Government order No: FEE 185 FAF 2011, Bangalore, Dated: 15.05.2014
2. Government order No.: FEE 185 FAF 2011, Bangalore, Dated: 05.05.2022
3. Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 and Van (Sanrakshan Evam Samvardhan) Rules, 2023
4. The Hon'ble Supreme Court Order dated 19th February, 2024 in Writ Petition (Civil) No. 1164 of 2023

PREAMBLE:

1. Hon'ble Supreme Court in T N Godavarman Thirumulpad vs Union of India and others in Writ Petition (Civil) No. 202 of 1995 case had directed the State Governments to constitute Expert Committees to inter-alia 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.

Accordingly, Govt. of Karnataka had constituted Expert Committee-I vide its Order No. FEE 2 FFM 97 dated 10.01.1997 with a mandate to study and submit the report as per the directions of Apex Court Order dated 12.12.1996. The Expert Committee-I submitted its report to Government on 02.04.1997.

After examining the report of Expert Committee-I, Government of Karnataka, had filed an Affidavit before Hon'ble Supreme Court on 05.04.1997 read with Affidavit dated 25.09.1997 based on the recommendations of Expert Committee-I.

The Central Empowered Committee (CEC) of the Supreme Court of India had made certain observations pertaining to the information submitted in the said affidavit and in view of these observations of CEC, the Government vide its Order No. FEE 270 FGL 2002 dated 25.09.2002 had constituted Revised Expert Committee-I to submit a report. Accordingly, the Revised Expert Committee-I had categorised the 'forest' into 'Notified Forests' (33,23,854 Ha) and 'Deemed Forests' (9,94,881 Ha).

2. Government of Karnataka vide its Order No. FEE 185 FAF 2011, Bangalore, dated: 15.05.2014 read at (1) had constituted the District Level Committees, the Revenue Divisional Level Committees and the State Level Committees to verify / review the areas included as 'Deemed Forests' in the report of Revised Expert Committee-I. The

committees were asked to categorise the "Deemed Forests" in the report of Revised Expert Committee-I into

- (a) Statutory Forests
- (b) Recorded as "forests" in Government records
- (c) Area which are Forests as per dictionary definition, based on the field verification as per the criteria and methodology, specified in the Order No. FEE 185 FAF 2011, Bangalore, Dated: 15.05.2014.

Based on the report submitted by District Level Committees, Government of Karnataka had submitted an Affidavit dated 11.01.2022 to Hon'ble Supreme Court pertaining to the Deemed Forests identified as per the field criteria and the same was taken on Record in the IA No. 44942/2019 vide Record of Proceedings dated 18.08.2023.

Moreover, the Government of Karnataka declared 'the Deemed Forests' based on the report of the District Level Committees, vide its Order No. FEE 185 FAF 2011, Bengaluru, Dated: 05.05.2022 read at (2) with an extent of 3,30,186.93 Ha.

3. Now, the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 has come into force on 1st day of December, 2023 read at (3), wherein Section 1A stipulates the following:

"Act to cover certain land. - (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 a Union territory Administration in that behalf.

Explanation. — (i) 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;"

Further it is to state that, Van (Sanrakshan Evam Samvardhan) Rules, 2023 has also come into force on 1st Day of December, 2023 wherein **Rule 16 (1)** stipulates the following:

"Miscellaneous- (1) For the purpose of explanation of government records provided under subsection (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 forests 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”.

The Hon'ble Supreme Court vide its Order dated 19th February, 2024 in Writ Petition (Civil) No. 1164 of 2023, read at (4) had inter-alia observed that *“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 case. 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).”*

Further, Hon'ble Supreme Court in the above Order has also observed that *“...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”.*

4. In view of the above it is clear that
 - a. Consolidated record of lands on which the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 is applicable shall have to be prepared by every State Government and Union territory.
 - b. Section 1A(1)(a) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 covers all lands that are **declared or notified** as Forests in accordance with the provisions of Indian Forest Act 1927 or under any other law for the time being in force.
 - c. Section 1A(1)(b) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023, along with the explanation and read with rule 16 (1) of Van (Sanrakshan Evam Samvardhan) Rules, 2023 covers all lands,
 - (i) That have not been covered under Section 1A(1)(a) but have been **recorded in Government records** as on or after the 25th October, 1980 subject to the proviso mentioned in the Section 1A(1)(b).
 - (ii) Forests like areas {Forest as understood in the **dictionary sense** (Deemed Forest)}, unclassified Forest lands or community lands.
5. In light of the above, the Expert Committees at the District Level, Revenue Divisional Level and the State Level may be constituted in pursuance of the Rule 16 (1) of Van (Sanrakshan Evam Samvardhan) Rules 2023, similar to the one which were constituted vide order FEE 185 FAF 2011, Bangalore, dated 15.05.2014, to prepare consolidated record of lands on which the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023 is applicable. The District Level Committees while carrying out the said task shall have to categorise forests into *three mutually exclusive categories (declared or notified, recorded in Government records, Forests like areas)* as mentioned in the para 4.
6. Following are proposed to be the **Terms of Reference (TOR)** of District Level Committees: -

- a. To prepare consolidated record of lands **declared** or **notified as Forests** as per the provisions of Karnataka Forest Act 1963, Karnataka Forest Rules 1969 or under any other law for the time being in force.

In case the land has been declared or notified as Forests as per the provisions of Karnataka Forest Act 1963, Karnataka Forest Rules 1969 or any other Forest law in vogue, the jurisdictional Deputy Conservator of Forests shall provide the said information to the District Level Expert Committee.

In case of lands that have been declared or notified as Forests under laws other than Karnataka Forest Act 1963, Karnataka Forest Rules 1969 (Eg. Lands declared or notified as forests as per the provisions of Karnataka Land Revenue Act 1964), the same has to be provided to the District Level Committee by the jurisdictional Deputy Commissioner.

The said information as far as possible shall be provided village wise, survey number wise.

- b. To prepare consolidated record of lands that have not been covered under Section 1A(1)(a) (i.e. not covered under 'a' of this Para) but, have been **recorded in Government record as Forest** as on or after the 25th October, 1980, subject to the proviso mentioned in the Section 1A(1)(b) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023.

In case of lands that have been recorded as forest in Government records held by Forest department (Eg. Unclassed Forests reflected in Working Plans), jurisdictional Deputy Conservator of Forests shall provide the said information to the District level Committee.

In case of lands that have been recorded as forest in Government records held by Revenue department as well as by any authority, local body, community or council recognised by the State Government, the jurisdictional Deputy Commissioner shall provide the said information to the District Level Expert Committee.

The said information shall be provided village wise, survey number wise.

- c. To prepare consolidated record of lands which are Forests like areas **{Forests as understood in the dictionary sense (Deemed Forest)}**.

In this regard, the Government Order No. FEE 185 FAF 2011, Bangalore, dated 15.05.2014, had clearly enunciated the field criteria for determining the "forest" as understood in the dictionary sense. Based on which areas were identified as 'Deemed Forests' and the same was declared so, vide Government Order No: FEE 185 FAF 2011 Bengaluru, dated 05.05.2022 covering an extent of 3,30,186.93 Ha.

However, the said declared Deemed Forest lands list has to be re-visited due to the following reasons:

- i. Some of the areas included in this list do not meet the criteria as stipulated in Government Order No: FEE 185 FAF 2011 Bangalore, dated 15.05.2014.
- ii. Some of the areas which qualify to be Deemed Forests, as per the field criteria stipulated in Government Order No: FEE 185 FAF 2011 Bangalore, dated 15.05.2014, have not been included in the said list.
- iii. Some of the areas which are declared or notified or recorded as forest have been included in the said list.

- iv. In cases where the identified Deemed Forests did not cover entire Survey No. but covered only part of it; in such cases exact identification of Deemed Forests on ground has not been carried out.

In light of the above, the District Level Committees (DLCs) shall review/ verify the Deemed Forests list declared vide Government Order No: FEE 185 FAF 2011, Bengaluru, dated 05.05.2022 and revise the list by

- a. Removing areas which do not fulfil the field criteria as enunciated in GO FEE 185 FAF 2011 Bangalore dated: 15.05.2014.
- b. Removing areas which have already been declared or notified or recorded as forests.
- c. Including areas which fulfil the above stated criteria but have been left out in the existing list.
- d. Carrying out joint survey to identify Deemed Forests on ground, in cases where the identified Deemed Forests did not cover entire Survey No. but covered only part of it.

The said information shall be provided village wise, survey number wise.

Further, the DLCs shall take help of Joint survey / verification teams, to be constituted at Taluka level with Tahsildar, Range Forest Officer, Revenue Surveyor etc., as members, for carrying out the above tasks. Maps pertaining to Joint survey / verification should also be submitted by District Level Committee along with consolidated record of Forests like areas.

The District Level Committee shall use the Remote Sensing and GIS inputs, Survey inputs, field verification etc. to prepare consolidated record of forests like areas based on the criteria specified in Government Order No: FEE 185 FAF 2011 Bangalore, dated 15.05.2014.

While identifying the areas which qualify to be part of "Forests" as understood in dictionary sense, the technical inputs like geo-referenced village level maps overlaid with satellite imagery reflecting the land use including forest cover etc. provided by the Karnataka State Remote Sensing Applications Centre (KSRSAC), which is the nodal agency for Remote Sensing and Geo-Spatial Information System (GIS), should be mandatorily taken into consideration. KSRSAC shall provide all DLCs the Remote Sensing and Geo-Spatial Information System (GIS) based technical input to all the District Level Committees, while finalising the identification of Forest like areas (i.e. Deemed Forests).

Any modification in the existing Deemed Forest list (Declared vide Government Order No: FEE 185 FAF 2011 Bengaluru, dated 05.05.2022) needs to be mandatorily substantiated by District Level Committee with survey maps, satellite imagery etc.

7. These Expert Committees, which are constituted in pursuance of Rule 16 (1) 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 of Hon'ble Supreme Court in WP No. 202/1995 (T N Godavarman Thirumulpad vs Union of India). (i.e. (1) Expert Committee-I (2) Revised Expert Committee-I (3) District Level Committees; Revenue Divisional Level Committees and State Level Committees).

The Expert Committees may refer to the Government Order No: FEE 185 FAF 2011 Bangalore, dated 15.05.2014 for any clarity required while preparing the said consolidated records of lands.

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

GOVERNMENT ORDER NO: FEE 185 FAF 2011,

Bangalore, dated:06-03-2025

After careful examination of all the above aspects and in pursuance of the Rule 16 (1) of Van (Sanrakshan Evam Samvardhan) Rules 2023 and in furtherance of the order of the Hon'ble Supreme Court dated 19th February, 2024 in Writ Petition (Civil) No. 1164 of 2023, the Government constitutes the following committees:

(A) District Level Committee:

- a) Deputy Commissioners of the District - Chairperson
- b) Chief Executive Officer, Zilla Panchayat
- c) Deputy Conservator of Forests (Territorial) at District Headquarters - Convenor
- d) Deputy Conservator of Forests (Territorial)/Wildlife, where the district has two or more divisions.
- e) Deputy Directors of Land Records concerned.
- f) Deputy Director, Horticulture Department
- g) District Social Welfare Officer

(B) Revenue Divisional Level Committee:

- a) Regional Commissioner of the Revenue Division- Chairperson
- 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 / Principal Secretary to Government, Forest, Ecology and Environment Department- Chairperson
- b) Principal Secretary to Government, Revenue Department – Co-Chairperson
- c) Principal Secretary, Horticulture Department, Bengaluru
- d) Principal Chief Conservator of Forests (HoFF)
- e) Principal Chief Conservator of Forests (EWPRT & CC)
- f) Revenue Commissioner, Revenue Commissionerate, Bengaluru
- g) Commissioner for Survey Settlement and Land Records
- h) Additional Principal Chief Conservator of Forests, Land Records
- i) Additional Principal Chief Conservator of Forests, Working Plan - Convenor

1. The Expert Committees at the District Level, Revenue Divisional Level and the State Level shall prepare consolidated record of lands on which the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, with Amendments made in 1988 and 2023, is applicable. These Expert Committees while carrying out the said task shall have to categorise forests

into three mutually exclusive categories {declared or notified, recorded in Government records, Forests like areas (Deemed Forests)} as mentioned in para 4 of the preamble.

2. Following shall be the **Terms of Reference (ToR)** of the District Level Committee (DLC): -
 - a. To prepare consolidated record of lands **declared** or **notified** as Forests as per the provisions of Karnataka Forest Act 1963, Karnataka Forest Rules 1969 or under any other law for the time being in force.
 - b. To prepare consolidated record of lands that have not been covered under 'a' of this Para but, have been **recorded** in Government record as Forest as on or after the 25th October, 1980, subject to the proviso and the explanation mentioned in the Section 1A(1)(b) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 with Amendments made in 1988 and 2023.
 - c. To prepare consolidated record of lands which are Forests like areas {Forests as understood in the **dictionary sense (Deemed Forests)}** by reviewing, verifying and revising the Deemed Forests notified vide Government Order No: FEE 185 FAF 2011, Bengaluru, dated 05.05.2022.

With regard to ToR, the DLC shall refer to para (6) of the preamble of this Government Order and shall also refer to Government Order No: FEE 185 FAF 2011 Bangalore, dated 15.05.2014 for any clarity required while preparing the said consolidated record of forest lands.

DLC shall duly bear in mind the work of identification, which was carried out by the Expert Committees in pursuance of the directions of Hon'ble Supreme Court in WP No. 202/1995 (T N Godavarman Thirumulpad vs Union of India). {i.e. (1) Expert Committee-I (2) Revised Expert Committee-I (3) District Level Committees; Revenue Divisional Level Committees and State Level Committees}.

The DLCs shall also work as per the guidelines/ clarifications issued by the State level Committee.

3. The DLCs will organise field teams to prepare consolidated record of forests like areas {Forests as understood in the **dictionary sense (Deemed Forests)}** by reviewing, verifying and revising the Deemed Forests list declared, vide Government order No.: FEE 185 FAF 2011, Bangalore, Dated: 05.05.2022. The field criteria at para (11) of the preamble of the Government order No. : FEE 185 FAF 2011, Bangalore, Dated: 15.05.2014, shall be applied while finalising the said list.

The consolidated record of forest lands prepared by District Level Committees should be placed before Hon'ble District In-charge Minister for review, subsequent to which it shall be placed in the District KDP Meeting before submitting it to State level Committee, through the Revenue Divisional Committee.

The District Level Committees may meet as many times as required. But a monthly review is mandatory, as the task assigned herein should be completed within six months.

4. The Revenue Divisional Level Committee will review, monthly, the progress of the District Level Committees.
5. The State level Committee will review the progress and issue further guidelines / clarifications as deemed necessary for preparation of consolidated record of forest lands.

6. On completion of preparation of consolidated record of forest lands, a report shall be placed before the Cabinet for consideration and after approval by the Cabinet, an Affidavit will be accordingly filed before the Hon'ble Supreme Court.

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF THE KARNATAKA


(SHIVAPRAKASH)

UNDER SECRETARY TO GOVERNMENT,
FOREST, ECOLOGY AND ENVIRONMENT
DEPARTMENT

TO:

- 1) Principal Secretary to Government, Revenue Department.
- 2) Secretary, Horticulture Department, Bengaluru.
- 3) Principal Chief Conservator of Forests (HoFF).
- 4) Principal Chief Conservator of Forests (EWPRT & CC).
- 5) Additional Principal Chief Conservator of Forests, Land Records.
- 6) Additional Principal Chief Conservator of Forests, Working Plan.
- 7) Revenue Commissioner, Revenue Commissionerate, Bengaluru.
- 8) Commissioner for Survey Settlement and Land Records.
- 9) Regional Commissioner of the Revenue Divisions.
- 10) Chief Conservator of Forests of the Forest Circles.
- 11) All Deputy Commissioners of the Districts.
- 12) All Chief Executive Officer, Zilla Panchayat.
- 13) Deputy Conservator of Forests (Territorial) all Forest Divisions.
- 14) Deputy Conservator of Forests (Wildlife), all Wild life Divisions.
- 15) Joint Directors of Land Records.
- 16) Deputy Directors of Land Records concerned.
- 17) Deputy Director, Horticulture Department.(Through Director, Horticulture)
- 18) District Social Welfare Officer.(Through Commissioner, Social Welfare)

FOR INFORMATION:

- 1) PS to Hon'ble Minister Forest, Ecology and Environment Department.
- 2) PS to Hon'ble Minister Revenue Department.
- 3) PS to Chief Secretary to Government of Karnataka.
- 4) PS to Additional Chief Secretary to Government, Forest, Ecology and Environment Department.
- 5) PS to Principal Secretary to Government, Forest Department.
- 6) Deputy Secretary , Forest, Ecology and Environment Department.