

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 149 of 2023(SZ)**

IN THE MATTER OF:

Ravasaheb P Patil

... Applicant

Versus

State of Karnataka and Others

...Respondents

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Filed by



Darpan KM

**Standing Counsel, State of Karnataka
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Date: 15.04.2026

Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 149 of 2023(SZ)**

IN THE MATTER OF:

Ravasaheb P Patil ... Applicant

Versus

State of Karnataka ...Respondent(s)

**REPORT ON BEHALF OF THE PRINCIPAL CHIEF CONSERVATOR
OF FORESTS AND HEAD OF FOREST FORCE, KARNATAKA**

MOST RESPECTFULLY SHOWETH:

1. The instant Original Application by way of Letter Petition has been filed by the Applicant seeking a plea to not transfer the land bearing R.S. No. 1307, 1305, 1304, 1334 1306, 1324, 1325, 1329 etc., in all totally measuring 745 acres, situated surrounding Vantauri Colony, Shreenagar MM Extension, Kakti in Belagavi to IT BT Companies. The applicant further alleges that the lands in question are reserve forest lands belonging to the Defence Department.
2. In this regard, the following is submitted based on the report of the Chief Conservator of Forests, Belgavi Circle, Belgavi letter No.A7/LND/ NGT/ 588/2022/CR- /2025-26 dtd 25.02.2026:

3. The land bearing R.S. No. 1307, 1305, 1304, 1334, 1306, 1324, 1325, 1329 etc. are not Notified Forest Areas. As per RTC Column No. 9, the ownership of lands is as under:


S. No	R.S. No.	As per RTC Column No.9
1	1324	Indian Council of medical Research, New Delhi (ICMR)
2	1329	Indian Council of Medical Research, New Delhi (ICMR)
3	1325	Executive Engineer, Electricity, Bangalore (HESCOM office & Building)
4	1304	Govt. land (Sarkari Kuruna)
5	1305	Govt. land (Sarkari Kuruna)
6	1306	Govt. land (Sarkari Kuruna)
7	1307	Govt. land (Sarkari Kuruna)
8	1334	Govt. land (Sarkari Kuruna)

4. While there are number of trees in this area, however, after inspection of the said areas the Assistant Conservator of Forests, Belagavi and Range Forest Officer, Belagavi have reported that among the plantations seen in the area, plantation journals are available for 2 plantations.
5. The Government of Karnataka Vide its order No. FEE/185/FAF/2011, dated 15.05.2014 has constituted the District Level Committees, Revenue Divisional Committees and State Level Committees to verify/review areas to be included as 'Deemed Forests' in the report of Revised Expert Committee-1.

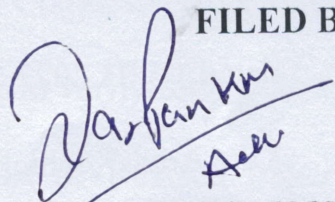
6. Thereafter, Government of Karnataka Vide order No. FEE/185/FAF/2011, dated 05.03.2022 has notified the Deemed Forests based on the report of the District Level Committees.
7. Thereafter, the Hon'ble Supreme Court of India in its order Dated 19.02.2024 in Writ Petition (Civil) No. 1164 of 2023 has directed to constitute committees to prepare consolidated records of lands declared or notified as forests, lands recorded as forest in Government Records and lands which are forests like areas as understood in the dictionary sense. True copy of the order dated 19.02.2024 passed by the Hon'ble Supreme Court of India in WP (C) No. 1164/2023 is annexed herewith as **Annexure R-1**.
8. In compliance of the same, Government of Karnataka vide No. Fee/185/FAF/2011, dated 06.03.2025 has constituted District Level Committees. The committees have been examining *inter alia* as to which areas shall be notified as "forest like areas". Upon conclusion of the process, some of the areas notified vide G.O. No. FEE/185/FAF/2011, dated 05.03.2022, may or may not come under the purview of "Forests Like Areas", which needs to be examined and decided by the District Level Committee. Similarly, new areas may be included in the revised list of "Forest Like Areas". True Copy of Government Order dated 06.03.2025

constituting District Level Committee is annexed herewith as **Annexure R-2**.

9. It is most respectfully submitted that Deputy Conservator of Forests, Belgaum has reported that, based on a preliminary overview these survey numbers qualify for classification as "Forest Like Areas" (deemed forest) as per the criteria fixed in Government of Karnataka Order No.FEE/185/FAF/2011, dated 15-5-2014.
10. It is most respectfully submitted that only after the classification by the District Committee (if at all) of the above lands as forest lands, will they be notified as "Forests Like Areas".


**PRINCIPAL CHIEF CONSERVATOR
 OF FORESTS AND HEAD OF
 FOREST FORCE**
 (Head of Forest Force)
 Aranya Bhavan, Malleshwaram,
 BENGALURU - 03, KARNATAKA

DATE: 15.04.2026

FILED BY

**DARPAN KM
 STANDING COUNCIL
 STATE OF KARNATAKA**

Annexure R-1

5

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 Uttrakhand
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

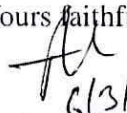
WRIT PETITION (CIVIL) NO. 85 OF 2024

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,


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 Umiam 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

WPC 1164/2023

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

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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) 'unclassified 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, unclassed 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 such 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 subsection (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.

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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

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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."

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- 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

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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

Annexure R-2

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, unclassed 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)), unclassed 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 (KRSAC), which is the nodal agency for Remote Sensing and Geo-Spatial Information System (GIS), should be mandatorily taken into consideration. KRSAC 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



(SHIVA PRAKASH)

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