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Sign. (77)

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Tibetan Rehabilitation Settlements located in forest areas in Karnataka State.

Read:

- 1) Minutes of the meeting held under the Chairmanship of Chief Secretary to Govt., in his chambers on 04/04/2014
- 2) Proceedings of the Meeting Held on 10/02/2015 under the Chairmanship of Addl., Chief Secretary to Govt., Forest, Ecology and Environment Department.
- 3) The Tibetan Rehabilitation Policy -2014 communicated to State Governments by Ministry of Home Affairs, Gol, vide No.11/2/2014-RHS/MD dated 20/10/2014.

Preamble: Many Tibetans under the Leadership of His Holiness the Dalai Lama, came to India along with their families and have been living in India since the past 50 years. Many of such Tibetan refugees were rehabilitated in Karnataka, under the policy of Government of India. These rehabilitation Settlements in Karnataka are located in Mundgod Taluk, North Kanara Dt; Bylakuppe, Periyapatna Taluk, Mysore Dt; Gurupura, Hunsur Taluk, Mysore Dt; Kollegal Taluk, Chamraj Nagar Dt. Notified Forest Areas were released to accommodate these Tibetan Rehabilitation Settlements. Though these areas were released and diverted for non-forestry purpose of rehabilitating Tibetan refugees, legal status of these lands remained "Forest" as no de-notification orders were issued under Karnataka Forest Act-1963. Revenue Department has leased the lands to Tibetan Refugees and the lease rent is collected annually.

A meeting was held on 04/04/2014, under the Chairmanship of the Chief Secretary to Govt., of Karnataka, attended by senior officers of Revenue, Forest, Tourism, Agriculture departments and representatives of Central Tibetan Administration (CTA) led by Ms Dolma Gyari, Minister for Home, CTA, Dharmashala, Himachal Pradesh; to look in to various issues concerning the Tibetan settlements in Karnataka State. One of the issues discussed was that RTCs were not issued to the Tibetan cultivators in the settlements as forest areas released for Tibetan rehabilitation were not de-notified though the areas were released and diverted 50 years back, much prior to the Forest Conservation Act, 1980 came into force. In the absence of RTC entries, it was stated that the individual Tibetan cultivators are deprived of agriculture related subsidies, incentives and loans from the Government and Banks. Minister for Home,

CTA stated that the Central Tibetan Administration will take the onus of proper protection and utilisation of lands leased for rehabilitation of Tibetans and requested for uniform long-term lease of lands for viability and sustainability of these Tibetan Settlements.

Tibetan Rehabilitation Policy -2014, communicated by Government of India to State Governments, has issued guidelines to bring in uniformity across all the States and to improve the general satisfaction level of the Refugees. The policy has set the following methodology for leasing the lands for Tibetan Rehabilitation Settlements.

- 1) All State Governments must necessarily sign a lease document for the land occupied by the Tibetan Refugees as per the suggested standard lease document and the State Government may make such necessary changes to the standard format.
- 2) The lease document should not be signed with individual Tibetans, but with the duly authorised representative of the Central Tibetan Relief Committee (CTRC), under His Holiness Dalai Lama, located at Dharmashala, HP state.
- 3) The Lease Should be signed for a period of twenty years or till it is revoked/cancelled (by an order of Govt or till rehabilitation facilities provided to Tibetan refugees are cancelled or withdrawn by the Government of India).
- 4) A Rent Tenancy Certificate must be issued by the State Government as per the applicable law. The State Govt., shall collect the dues, revenue and fees from the Local Settlement Officer of the Tibetan Settlement. The Certificate should mention the following
 - Owner: Government
 - Lessee: CTRC
 - Cultivated by: Name of the Tibetan refugee who is cultivating the land)
- 5) The CTRC should be allowed to decide which portion of the land can be used for agricultural, residential, commercial religious activity or any such activity so that the Tibetan Families can follow their culture and religions unhindered and yet are able to make an economic living out of the land.

A meeting was convened under the Chairmanship of Addl. Chief Secretary to Govt., Forest, Ecology & Environment Department, on 10/02/2015, attended by Senior Forest, Revenue Officials and a team of Central Tibetan Administration led by Smt

Dolma Gyari, Hon'ble Home Minister, Central Tibetan Administration. The following is the summary of discussions and decisions regarding the Tibetan Refugee Settlements in forest areas released for the purpose in Karnataka.

- 1) That the forest areas released by Government were given for Tibetan Settlement on lease only and that no occupancy based on grant is accorded, as a policy of Government of India.
- 2) All the forest areas for Tibetan Rehabilitation were released and diverted to Non-forestry purpose during 1960s and 1970s, much prior to the enactment of Forest Conservation Act, 1980, in pursuance of the policy of Govt. of India.
- 3) After examining the issue in totality it felt not-necessary to de-notify these forest areas under Karnataka Forest Act, 1963 as they have been only under lease after their release and diversion during 1960s and 1970s.
- 4) The forest areas will be leased to the Central Tibetan Rehabilitation Committee (CTRC); Status of land is shown as "Forest" in RTC, with names of individual Tibetan cultivators mentioned in the RTC.
- 5) The land so leased cannot be pledged for availing loan either by CTRC or by individual refugees.
- 6) Lease rent as determined by Government will be paid annually to Revenue Department.
- 7) This arrangement is in accordance with the Central Tibetan Policy-2014, communicated to State Governments by Ministry of Home affairs, Govt. of India.

The following is the list of forest areas released for Tibetan Refugee Settlement in Karnataka State.

Location	Government Order	Extent Ac- guntas
1) Doeguelling Tibetan Settlement, Mundgod, Uttara Kannada Dt	2) AFD 65 FGN 63 dated 10/07/1964 3) AFD 65 FGN 63 dated 17/08/1967 4) AFD 65 FGN 63 dated 04/03/1968 5) AFD 453 FGL 68 dated 25/10/1969	4045-29

2) TRR1 (Old Tibetan Settlement), Bylakuppe Periyapatna Taluk, Mysore Dt	1) AFD 120 FGN 60 Dated 07/10/1960	3504-37
3) TRR (New Tibetan Settlement) BYlakuppe, Periyapatna Taluk, Mysore Dt	1) RD 45 MTR 67 dated: 16/10/1968	2305-21
4) Tibetan Settlement, Gurupura, Hunsur Taluk, Mysore Dt	1) AFD 462 FGL 69 dated: 03/04/1971	2200-00
5) Dhondeling Tibetan Settlement, Kollegal Taluk, Chamraj Nagar	1) AFD 315 FGL 72 dated 26/11/1973 2) FFD 137 FGL 78 dated 30/12/1988 (released with due approval of MoEF, GoI under FC Act-1980)	3000-00 121-14
Total Extent of Forest area released in the State		15177-21 (6142.25 Ha)

Government has examined in detail the issue of Tibetan Resettlements in forest areas in the State and also noted the Salient features of Central Tibetan policy-2014 and hence the following Order.

Government Order NO. FEE 28 FLL 2014 dated: 03/06/2015

The forest areas released in the State for rehabilitation of Tibetan Refugees will continue to be "Forests" legally, under lease to Central Tibetan Relief Committee, under His Holiness Dalai Lama. These lands were released and diverted during 1960s and 1970s vide various Government orders, much before Forest (Conservation) Act, 1980 came into force. Since, these lands are given on lease for Tibetan Refugee Settlement, de-notification of these forest areas under Karnataka Forest Act -1963 is not necessary. Revenue Department will continue to lease these lands as per the terms hereunder:

- 1) Status of Land is to be entered as "Forest" in the RTC
- 2) Lease of these Forest Lands is to be made to the Central Tibetan Relief Committee (CTRC) and not in favour of individual Tibetan Settlers. However, it can be entered in the RTC as "leased to CTRC" with list of Individual Tibetan Settlers as Cultivators. The list of cultivators and extent will be as decided by CTRC
- 3) CTRC or the Individual Tibetans should not transfer the lease or mortgage or pledge the lands leased, to any institution/individual that shall attract termination of lease by the Government.
- 4) CTRC should pay the Lease rent and other Charges if any to the Revenue Department as decided by Government in Revenue Department
- 5) Joint Survey of all these lands will be carried out by Revenue and Forest Departments by Total Station Survey. Latitudes and Longitudes be mentioned for all the nodes in Survey. A map of the areas be prepared and maintained in the Forest and Revenue Departments.
- 6) Use of such leased lands is primarily for cultivation purpose, but can be put to any other use in accordance with Central Tibetan Policy-- 2014, under intimation to Revenue and Forest Departments.
- 7) If for any reason the lease to Tibetan Settlement is withdrawn, the subject "forest lands" revert back to Karnataka Forest Department for custody and management, on "as is where is" basis.
- 8) It is the CTRC responsibility to ensure that the individual Tibetans to whose custody the leased lands are entrusted, will confine their activities to the area allotted, without intrusion into neighbouring forest areas.
- 9) Annual *Jamabandi* of these areas will be conducted by CTRC, Revenue and Forest Departments.

By order and in the name of the
Governor of Karnataka

L. Sharada
(L. Sharada) 03/06/15-

Under Secretary to Govt.,

Forest, Ecology and Environment Department.

To,

The Compiler Karnataka Gazette Bengaluru with a request to publish the above Govt. order in the next issue of the Gazette and to supply 50 copies to FEE Dept and 50 copies to Principal Chief Conservator of Forest (HoFF), Aranya Bhavan, Malleshwarm, Bengaluru.

- 1.) The Accountant General, Karnataka Bengaluru.
- 2) Principal Chief Conservator of Forest (HOFF), Aranya Bhavan, Malleshwarm, Bengaluru.

- 3) Prinicipal Chief Conservator of Forest (Wild life) Aranya Bhavan, Malleshwarm, Bengaluru.
 - 4) Prinicipal Secatry to Revenue Department, M.S. Building, Bengaluru.
 - 5) Deputy Secretary to GoI, Ministry of Home Affairs, FFR, Division, NDCC-II, Building, Jai Singh Road, New Delhi-110009
 - 6) Regional Commissioner, Bengaluru., Mysore, Kalaburagi, Belagavi
 - 7) Additional Prinicipal Chief Conservator of Forest (Land records) Aranya Bhavan, Malleshwarm Bengaluru.
 - 8) Additional Prinicipal Chief Conservator of Forest (Working Plan) Aranya Bhavan, Malleshwarm Bengaluru.
 - 9) ALL Deputy Commissioner's
 - 10) All CCF's and ALL DCF's
- } Through PCCF,
Aranya Bhavan, Malleshwarm Bengaluru.

Copy to information:

- 1) A.C.S to Hon'ble Chief Minister, Government of Karnataka, Vidhana Soudha, Bengaluru.
- 2) P.S to Minister, Forest, Ecology and Environment dept, Vidhana Soudha, Bengaluru.
- 3) P.S. to Additional Chief Sectary FEE Department.
- 4) Chairman, His holiness, The Dalai lama's, Central Tibetan, Relief Committee, CTA, Gangchen, Kyishong, Dharmashala-176215, Himachal Pradesh, India.
- 5) Chief Representative, Central Tibetan Administration (South Zone), No:7, Samapangiramaiah Garden, Srinivasalu, Viveknagar, bengaluru.-560047.
- 6) P.S. to Secretary to FEE Dept.
- 7) SGF/spare Copies.