

Print

Karnataka Lokayukta
(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE **COMPT/UPLOK**
NUMBER : **/BD/3401/2023**
District : **Ramanagara**

BY :

1. Suo Moto

As per the Order of Honble Upalokayukta-2,
Dated: 07/06/2023.

COMPLAINANT/S

AGAINST :

1. Deputy Conservator of Forest

Forest, Ecology and Environment Department,
Ramanagara District.

2. Range Forest Officer

Forest, Ecology and Environment Department,
Channapattana, Ramanagara District.

RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of duty.

Received From : Suo Moto (Upalok-2 section)

Received On : 08-06-2023

Seal and Signature

ಬಹಾಯಕ ನಿಬಂಧಕರು

ಕಾನೂನು ಅಭಿಪ್ರಾಯ

Complaint stands
allotted to : **DRE-5**

SCRUTINY AND OPINION

ದೃಢೀಕರಣ
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿ
ಬೆಂಗಳೂರು-೧.

KARNATAKA LOKAYUKTA

No:

Date: 08/06/2023

ORDER

In "Samyukta Karnataka" newspaper dated 07/06/2023 a news article with the heading "ಕೆಂಗಲ್ ಬಳಿ ಕಾಡಾನೆ ದಾಳಿ ಲಕ್ಷಾಂತರ ಮೌಲ್ಯದ ಬೆಳೆ ನಾಶ" has been published. Instead of repeating the news item, it is useful to extract the relevant portion which reads as hereunder:


ಕೆಂಗಲ್ ಬಳಿ ಕಾಡಾನೆ ದಾಳಿ ಲಕ್ಷಾಂತರ ಮೌಲ್ಯದ ಬೆಳೆ ನಾಶ:

"ಚನ್ನಪಟ್ಟಣ ತಾಲ್ಲೂಕಿನ ಕೆಂಗಲ್ ದೇವಸ್ಥಾನದ ಎದುರು ಇರುವ ನಿವೃತ್ತ ಅಧಿಕಾರಿ ಸಿ.ಎನ್. ರುದ್ರಪ್ಪ ಅವರಿಗೆ ಸೇರಿದ ತೋಟಕ್ಕೆ ಮಂಗಳವಾರ ನಸುಕಿನಲ್ಲಿ ನುಗ್ಗಿದ ಕಾಡಾನೆಗಳು ದಾಳಿ ನಡೆಸಿ ತೋಟದಲ್ಲಿದ್ದ ತೆಂಗು, ಅಡಿಕೆ ಹಾಗೂ ಮಾವಿನ ಮರಗಳನ್ನು ನಾಶ ಮಾಡಿ ಲಕ್ಷಾಂತರ ರೂ. ನಷ್ಟ ಮಾಡಿವೆ.

ಇವರ ತೋಟಕ್ಕೆ ನುಗ್ಗಿ ಕಾಡಾನೆಗಳು ದಾಳಿ ಮಾಡುತ್ತಿರುವುದು ಸಾಮಾನ್ಯವಾಗಿದ್ದು, ರುದ್ರಪ್ಪ ಅವರು ಅರಣ್ಯ ಇಲಾಖೆಯವರಿಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಟ್ಟು ಸುತ್ತಲೂ ಸೋಲಾರ್ ಬೇಲಿ ತಂತಿಯನ್ನು ಹಾಕಿಸಿದ್ದಾರೆ. ಆದರೂ ಸಹ ಕಳೆದೊಂದು ತಿಂಗಳಿಂದ ಬ್ಯಾಟರಿ ಕೆಲಸ ಮಾಡದೆ ಆನೆಗಳು ಲೀಲಾಜಾಲವಾಗಿ ತೋಟಕ್ಕೆ ನುಗ್ಗಿ ಬೆಳೆಯನ್ನು ನಾಶ ಮಾಡುತ್ತಿವೆ. ಸೋಲಾರ್ ಬ್ಯಾಟರಿ ಕೆಟ್ಟ ಬಗ್ಗೆ ಅರಣ್ಯ ಇಲಾಖೆಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಟ್ಟಿದ್ದರೂ ಅದನ್ನು ಬದಲಾಯಿಸುವ ಕೆಲಸವನ್ನು ಅರಣ್ಯ ಇಲಾಖೆ ಮಾಡಿಲ್ಲ.

ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಈ ಭಾಗದ ರೈತರು ಹಾಗೂ ರೈತ ಸಂಘದವರು ಗಮನ ಹರಿಸಿ ಆನೆಗಳನ್ನು ಶಾಶ್ವತವಾಗಿ ಈ ಕಡೆ ಬರದಂತೆ ಮಾಡಲು ಹೋರಾಟದ ಮೂಲಕ ಅರಣ್ಯ ಇಲಾಖೆಗೆ ಎಚ್ಚರಿಕೆ ನೀಡಬೇಕಾಗಿದೆ. ಇಲ್ಲದಿದ್ದರೆ ಒಂದಲ್ಲ ಒಂದು ದಿನ ಅನಾಹುತ ಕಟ್ಟಿಟ್ಟ ಬುತ್ತಿ ಎಂದು ಸಿ.ಎನ್. ರುದ್ರಪ್ಪ ಅವರು ಆತಂಕ ವ್ಯಕ್ತಪಡಿಸಿದ್ದಾರೆ".



2. The news article extracted above indicates that the wild elephant had entered into the land belonging to One Sri. C.N.Rudrappa, retired officer. The said land was near the Kengal temple and that the said wild elephant had destroyed the crops. It is further stated in the press note that the solar battery was not working and hence the solar fence could not give protection to the crops.
 3. The aforesaid incident is an example of man-animal conflict. The said man-animal conflict has increased considerably. It is necessary to ensure suitable measures to reduce the frequency of occurrence of man-animal conflicts. There are two aspects involved in the aforesaid issue, first being the disbursement of compensation amount and second being the steps taken to stop this man-animal conflict.
 4. Section 2(36) of wild life protection act, 1972 defines the term "wild animals". The elephant is defined as wild animal. The Government of Karnataka has taken steps towards sanctioning of ex-gratia amount in case of crop damages caused by wild animals. The relevant GO's are as here under:-
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GO no.FEE 143 FWL 2010 dated 30/4/2011.

GO no.FEE 109 FAP 2014 dated 13/8/2014

GO no.FEE 130 FWL 2016 dated 19/9/2016

GO no. FEE 114 FWL 2022 dated
24/05/2023.


5. The aforesaid GO's pertains to sanctioning of ex-gratia to the crop damages caused by wild animals. It is necessary to oversee the payment of ex-gratia amount and compensation amount if any.
6. The State government is empowered to take measures to protect forest and wild life within its territory as per Entries 17-A "Forest" and 17-B "Protection of wild animals and birds" in the Concurrent List of constitution of India. The wildlife protection act also empowers the state government to notify the sanctuaries and other protected areas. It is the duty of the state government to protect the natural habitats of wild animals as per Article 21, 47, 48-A and 51-A(g) of constitution.
7. The elephants are large animals weighing 4 to 5 tons and they require 200 to 300 kg of fodder. The wild elephants required large areas to graze. The

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dwindling of forest cover and ever-growing need for land for developing infrastructure and other requirements of increasing population in our country has resulted in depletion of forests, increase in conflict of man with elephant.

8. The expert committee identified by wild life trust of India had published a report "Right of Passage- Elephant Corridors of India". The aforesaid report was considered by the Central Government in its letter dated 11/8/2006 wherein it was highlighted that the solar/electrical fencing would hamper the elephant corridor. The "Elephant Corridor" allows the elephant to move between secure habitats freely without being disturbed by humans. The Hon'ble Supreme Court of India in **Hospitality Association of Mudumalai v/s Indefence of Environment and Animals and others (2020) 10SCC 589** had clearly defined the Elephant Corridor as follows:-

"The "elephant corridor" allows elephants to move between secure habitats freely, without being disturbed by humans. Further, elephants are genetically programmed by nature to never inbreed within their birth family and thus need to move around between gene pools to reproduce. These corridors aid this process by helping different elephant populations to intermingle, which is




essential for retaining the vigor of the species and ensuring its long-term survival. By identifying and nurturing such corridors, deadly confrontations between humans and elephants can be avoided, in addition to safeguarding the welfare of the wildlife. To prevent such conflict and protect elephants, the Government of India through the then Ministry of Environment and Forests launched a centrally sponsored scheme "Project Elephant" to provide financial and technical support to the wildlife management efforts by States for their free ranging populations of wild elephants. The "Project Elephant" was to provide financial and technical support to major elephant-bearing states in the country. The project aims to ensure long-term survival of viable conservation reliant population of elephants in their natural habitats by protecting the elephants, their habitats and migration corridors. Other goals of the "Project Elephant" are addressing issues of human-animal conflict and providing for welfare of captive elephants.

9. The aforesaid judgment of Hon'ble Supreme Court also refers to "Project elephant". In view of the judgment of Hon'ble Supreme Court expressing the concern regarding the implementation of "elephant corridor" and "Project elephant", it is necessary to call for the report as to how the "Elephant corridor" and "project elephant" was being implemented in



Channapatna taluk inter connecting the forest ranges. It is also necessary to see whether there had been any lapses. It is also essential to call for the report as to how the elephant-Man conflict arises in the aforesaid news articles.

10. The object of Karnataka Lokayukta, 1984 is to ensure good governance in the state administration and it is also to prevent maladministration. The purpose of setting up of institution of Lokayukta as per statement of object and reasons is for the purpose of improving the standards of public administration by looking into complaints against administrative actions, including cases of corruption, favoritism and official indiscipline in administration machinery. The negligence on part of the concerned authorities, if any, who are entrusted with the responsibility of implementing "Project elephant" and maintaining "elephant corridors" needs to be deprecated. In my considered view the situations highlighted in the news article regarding the "man and animal conflict", regarding the elephant corridors being not properly maintained and disbursement of ex-gratia for destruction of
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crops, falls within the meaning of maladministration u/s 2(10) of Karnataka Lokayukta Act, 1984.

11. Therefore, I am of the view that it is desirable to consider the news articles published in Samyukta Karantaka date 07/06/2023 as the source material to exercise the power conferred on me u/s 7(2) and section 9(3)(a) of Karnataka Lokayukta Act, 1984. Accordingly, I exercise my Suo-moto power and the office is directed to register the proceedings as Suo-moto proceedings and notice to them and call for comments from them.

1.	Deputy Conservator of Forest, Forest, Ecology and Environment Department, Ramanagar district.
2.	Range Forest Officer, Forest, Ecology and Environment Department, Channapattana.

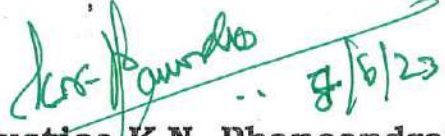
12. The officers referred to above are directed to examine the issues raised in the news item extracted above and submit the report regarding the disbursement of ex-gratia amount and also report



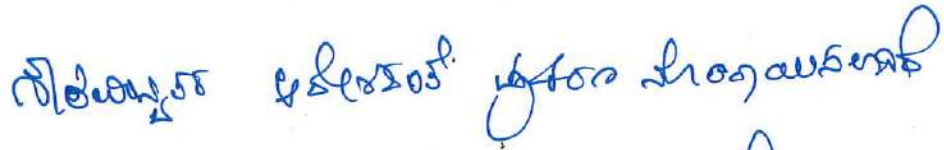

regarding the steps taken to ensure the implementation of "elephant corridor" as per "Project elephant". They are given four weeks time to submit their report/comments to the issue in question.

13. Communicate the copy of this order to the respondents referred to above along with copy of the news item published in 'ಸಂಯುಕ್ತ ಕರ್ನಾಟಕ' news paper. Also send a copy of this order to Deputy Commissioner, Ramanagar district and Superintendent of Police, Ramanagar District to supervise the directions issued to respondent and report.

List this matter on **07.07.2023**.


(Justice K.N. Phaneendra)
Upalokayukta-2,
Karnataka State.

14. **ARLO-4 (Complaints Section)**



08/06/2023

ಕೆಂಗಲ್ ಬಳಿ ಕಾಡಾನೆ ದಾಳಿ ಲಕ್ಷಾಂತರ ಮೌಲ್ಯದ ಬೆಳೆ ನಾಶ



ಚನ್ನಪಟ್ಟಣ: ತಾಲ್ಲೂಕಿನ ಕೆಂಗಲ್ ದೇವಸ್ಥಾನದ ಎದುರು ಇರುವ ನಿವೃತ್ತ ಅಧಿಕಾರಿ ಸಿ.ಎನ್. ರುದ್ರಪ್ಪ ಅವರಿಗೆ ಸೇರಿದ ತೋಟಕ್ಕೆ ಮಂಗಳವಾರ ನಸುಕಿನಲ್ಲಿ ನುಗ್ಗಿದ ಕಾಡಾನೆಗಳು ದಾಳಿ ನಡೆಸಿ ತೋಟದಲ್ಲಿಿದ್ದ ತೆಂಗು, ಅಡಕೆ ಹಾಗೂ ಮಾವಿನ ಮರಗಳನ್ನು ನಾಶ ಮಾಡಿ ಲಕ್ಷಾಂತರ ರೂ. ನಷ್ಟ ಮಾಡಿವೆ.

ಇವರ ತೋಟಕ್ಕೆ ನುಗ್ಗಿ ಕಾಡಾನೆಗಳು ದಾಳಿ ಮಾಡುತ್ತಿರುವುದು ಸಾಮಾನ್ಯ ವಾಗಿದ್ದು, ರುದ್ರಪ್ಪ ಅವರು ಅರಣ್ಯ ಇಲಾಖೆಯವರಿಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಟ್ಟು ಸುತ್ತಲೂ ಸೋಲಾರ್ ಬೇಲಿ ತಂತಿಯನ್ನು ಹಾಕಿಸಿದ್ದಾರೆ. ಆದರೂ ಸಹ ಕಳೆದೊಂದು ತಿಂಗಳಿಂದ

ಬ್ಯಾಟರಿ ಕೆಲಸ ಮಾಡದ ಆನೆಗಳು ಲೀಲಾಚಾಲವಾಗಿ ತೋಟಕ್ಕೆ ನುಗ್ಗಿ ಬೆಳೆಯನ್ನು ನಾಶ ಮಾಡುತ್ತಿವೆ. ಸೋಲಾರ್ ಬ್ಯಾಟರಿ ಕೆಟ್ಟ ಬಗ್ಗೆ ಅರಣ್ಯ ಇಲಾಖೆಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಟ್ಟಿದ್ದರೂ ಅದನ್ನು ಬದಲಾಯಿಸುವ ಕೆಲಸವನ್ನು ಅರಣ್ಯ ಇಲಾಖೆ ಮಾಡಿಲ್ಲ.

ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಈ ಭಾಗದ ರೈತರು ಹಾಗೂ ರೈತ ಸಂಘದವರು ಗಮನ ಹರಿಸಿ ಆನೆಗಳನ್ನು ಶಾಶ್ವತವಾಗಿ ಈ ಕಡೆ ಬರದಂತೆ ಮಾಡಲು ಹೋರಾಟದ ಮೂಲಕ ಅರಣ್ಯ ಇಲಾಖೆಗೆ ಎಚ್ಚರಿಕೆ ನೀಡಬೇಕಾಗಿದೆ. ಇಲ್ಲದಿದ್ದರೆ ಒಂದಲ್ಲ ಒಂದು ದಿನ ಅನಾಮತ ಕಟ್ಟಿಟ್ಟ ಬುತ್ತಿ ಎಂದು ಸಿ.ಎನ್. ರುದ್ರಪ್ಪ ಅವರು ಆತಂಕ ವ್ಯಕ್ತಪಡಿಸಿದ್ದಾರೆ.

ಯುದ್ಧಲ್ಲಿ
ಮರದ
ವುದೇ
ದಿಂದ
ದಿದ್ದರೆ
ಮುಂದೆ
ಅರಣ್ಯ
ಕೆಂದು