

Forest, Law departments against transferring ownership of kumki land

State Cabinet has decided to confer their absolute ownership to farmers

The Forest and Law departments are opposing the State Cabinet's decision to confer absolute ownership of kumki land to farmers, saying these lands have been classified as forests.

Kumki land is defined as government wasteland where certain privileges like right to collect minor produces like timber for domestic use and to raise fodder for cattle are enjoyed by the kumkidars, who do not have land ownership rights *per se* or to use it for non-agricultural purposes.

But the Cabinet recently agreed to bestow ownership to kumkidars in Dakshina Kannada and Udupi and intends to introduce an amendment to the Karnataka Land Grant Rules by inserting Rule 17B to pave the way for transfer of ownership, which would benefit thousands of farmers.

Differing views

But copies of the correspondence of the Forest and Law departments on the subject made available to *The Hindu* makes it clear that there is difference of opinion on the subject and the issue is likely to be get ensnared in legal imbroglio as a few environmentalists are toying with the idea of approaching the court to stall the move.

The Forest Department had stated that "kumki land in South Canara district are statutorily recognised forests and clearly fall within the definition of 'forest' as per the definition of the Supreme Court of India in T.N. Godavarman Thirumalpad vs Union of India case".

In its detailed note replete with various provisions of the Karnataka Forest Act and other laws to reinforce the argument, the Forest Department opposed the amendment and said: "District forests includes all land at the disposal of the government not included within the limits of any reserved or village forests nor assigned at the survey settlement as free grazing ground or for any other public or communal purposes". Hence it argued that kumki lands fall clearly within the definition of "district forests".

However, the Advocate-General ruled otherwise and opined that kumki lands cannot be construed as statutorily recognised forest land as they are not mentioned as forests in the records of the Government of Karnataka and gave concurrence for Cabinet approval.

But the Law Department supported the Forest Department's stance and stated that transferring ownership of kumki lands amounts to granting of forest land for non-forest purposes and was not permissible without the prior approval of the Union government.

Law Department contention

Citing the Forest (Conservation) Act 1980, the Forest Conservation Rules 1981 and ruling of the apex court, the Law Department said: “The State government cannot amend the existing Land Grants Rule 1969 to make provision for grant of kumki lands in South Canara which are also forest lands”.

It even recommended that before amending the Karnataka Land Grant Rules 1969 by inserting Rule 17-B, the proposal may be forwarded to the Union government as required under Section 2 of the Forest (Conservation) Act 1980. However, the Cabinet ignored these objections and went by the Advocate-General’s opinion and intends to grant ownership to kumki land holders.

This attempt to rush through the amendment despite strong reservations by the Forest Department and the Law Department, is being perceived as an attempt to obviate the need to seek prior approval of the Union government as required under the law. Sources said there are fears that the Centre may delay granting permission and the election code of conduct may come into force denying the Bharatiya Janata Party an opportunity to reap electoral gains at environmental costs.

There are thousands of acres of kumki lands in Dakshina Kannada and if ownership rights are granted, it will set a precedent to pave the way for similar rights to those holding Bane and Jamma land in Kodagu, Soppina Betta in Uttara Kannada, most of which contains evergreen forest patches and transferring ownership will spell doom for the environment.

Keywords: [Forest and Law departments](#), [kumki lands](#), [non-agricultural lands](#), [Forest \(Conservation\) Act 1980](#)