

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi: 1100 03,

Dated: 04th August, 2022

Office Memorandum

Subject: Minutes of the Meeting held on 26.07.2022 at 02:30 PM to resolve the issues w.r.t Proposal for Regularization of 1970.041 ha. of forest land under Section 2 of forest (Conservation) Act, 1980 in Pathanamthitta District of Kerala.-Reg

I am directed to attach herewith a copy of approved minutes of the meeting held on 26.07.2022 at 02:30 PM in Krishna Hall, IPB, MoEF&CC, New Delhi with Nodal Officer (FCA), Govt. of Kerala to resolve the issues wrt the proposal for Regularization of 1970.041 ha. of forest land under Section 2 of Forest (Conservation) Act, 1980 in Pathanamthitta District of Kerala under the chairmanship of ADGF(FC), MoEF&CC.

Encl: As above

Yours's faithfully

Sd/-
(Charan Jeet Singh)
Scientist-D

Distribution to:

1. The Principal Secretary (Forests), Government of Kerala.
2. The Nodal Officer (FCA), Govt. of Kerala, Thiruvananthapuram.

Minutes of the Meeting held on 26.07.2022 at 02:30 PM to resolve the issues w.r.t Proposal for Regularization of 1970.041 ha. of forest land under Section 2 of forest (Conservation) Act, 1980 in Pathanamthitta District of Kerala.

1. A meeting was held on 26.07.2022 at 02:30 PM in Krishna Hall, IPB, MoEF&CC, New Delhi with Nodal Officer (FCA), Govt. of Kerala to resolve the issues wrt the proposal for Regularization of 1970.041 ha. of forest land under Section 2 of Forest (Conservation) Act, 1980 in Pathanamthitta District of Kerala under the chairmanship of ADGF(FC), MoEF&CC.
2. The list of the participants who attended the meeting is annexed.
3. The meeting started with the brief introduction of the officials present. Further it was deliberated that Government of Kerala vide their letter dated 02/04/2020 submitted the instant proposal informing that the forest land to be regularized shall be assigned to the individual applicant strictly in accordance with the provisions of Kerala Land assignment (Regularization of forest land prior to 01.01.1977) Special Rules, 1993 issued by the State Government Ground verification and demarcation of area has already been completed in respect of 1970.041 ha. covering 6362 individual encroachers whose occupation has to be regularized.
4. It was also deliberated that the area proposed for regularization in the instant proposal is in continuation of the area 28588.159 ha of forest land in Idukki, Pathanamthitta, Trissur, eranakulam and Kollam districts for which the Ministry has already granted approval on 23.03.1993 and 31.01.1995 for regularization of pre-1.1.1977 encroachments in Kerala.
5. Further the ADGF(FC) flagged the issues in the instant proposal and the major issues flagged were: -
 - i. Why the proposal was not submitted earlier with the other proposals for regularization during 1993.
 - ii. Concrete proof showing that the encroachments are pre 1977.
 - iii. Identified DFL land is having an area of 1281 ha as MDF, 6 ha VDF, 24 ha as water and 149 ha as Non forest (as per ISFR 2019) out of 1984.4478 ha.
 - iv. The decision of accepting the proposed NFL for CA land, which is part of a wildlife sanctuary, will be deliberated in FAC.
6. In response to the above-mentioned issues the Nodal Officer (FCA), Govt. of Kerala informed that the PCCF in his recommendation in part-IV has certified that these encroachments are prior to 1977. Moreover, the State Govt. has submitted a document vide file no. FP/KL/Enchrh/8556/2012 dt 02.09.2019 certified by District Collector that these encroachments are pre 01.01.1977 and informing that a Joint verification was carried out by revenue department and Forest Department during 1981 to 1991.

7. In the meeting it was also deliberated that Hon'ble Apex Court order dated 13.11.2000 in WP No. 337 of 1995 titled as Centre of Environment Law WWF Vs. UOI & Ors. which *inter-alia* states ".....Pending further orders no dereservation of forest/Sanctuary/National Park shall be effected."

And in judgement dated 20.03.2009 in Civil Appeal No. 2116 of 2000 titled as Nature Lovers Movement Vs. State of Kerala and Ors. *inter-alia* directs as under;

"27. In the result, the appeal is disposed of in the following terms:

(1) The policy decision taken by the Government of Kerala to assign 28,588.159 hectares of forest land to unauthorized occupants/encroachers after seeking approval from the Central Government does not suffer from any legal infirmity and the High Court rightly declined to interfere with the said decision.

(2) After the enforcement of the 1980 Act, neither the State Government nor any other authority can make an order or issue direction for de-reservation of reserved forest or any portion thereof or permit use of any forest land or any portion thereof for any non-forest purpose or assign any forest land or any portion thereof by way of lease or otherwise to any private person or to any authority, corporation, agency or organization not owned, managed or controlled by the Government except after obtaining prior approval of the Central Government.

...(4) As and when the State Government decides to assign 10,000 hectares of forest land to unauthorised occupants/encroachers, it shall do so only after obtaining prior approval of the Central Government and the latter shall take appropriate decision keeping in view the object of the 1980 Act and the guidelines framed for regularization of encroachments on forest land. "

8. Further, with respect to the other court orders it was informed by the Officials of Kerala in the previous meeting held on 10.03.2021 that there is a *status quo* order by the Honourable Supreme Court of India on 03/07/2019 in SLP (Civil) Diary Nos. 2291/2019. The status quo order covers 104.15081 ha. of forest land proposed for regularisation of 414 persons in Valiyakavu proposed Reserve in Mallapally Taluk of Ranni Forest Division. The area is included in the Details of breakup of forest land proposed for regularisation of pre 01.01.1977 encroachments enclosed with the proposal in Part B. Sl. No. 18 Kariyanplavu 96.117 ha and Sl. No. 65 Valiyakavu of 8.03381 ha. Earlier, the Honourable High Court of Kerala vide judgement dated 12/03/2001 in OP Nos. 19921/1999-V & 2080/2001-V directed the State Government to submit the proposals to Central Government for regularisation of these 414 persons pre-1.1.1977 encroachments in Valiyakavu proposed Reserve. It is submitted that, on getting the Government of India approval, the issuance of Pattayams to these 414 persons will be done only after getting the Supreme Court clearance in the matter. The above status quo order by the Hon'ble Supreme Court of India in SLP(C)2291/2019 covers 95.3215 ha of jointly verified areas with 114 families in Alapra Proposed Reserve of Kottayam Division in Kottayam District also. Proposal for regularisation of this 95.3215 ha of Kottayam District is not yet submitted to the Central Government. It was clarified that no other Court direction/order concerning

this matter is there subsequent to order of Hon'ble. Supreme Court in 2009 regarding the regularisation of 10000 ha.

9. The Nodal Officer also informed that the land survey is going on for the remaining areas out of 10000 ha and once it is completed, the State government will forward the proposals for regularization.

10. With respect to the high density in identified CA land it was informed by the Nodal Officer, Govt. of Kerala that these areas were planted before but the plantation were failed. It was also stated in the working plan also these area has been identified for taking up plantation. Further it was informed that the high density is mainly due to the growth of unwanted plants *i.e.* weed and climbers. It was stated that once the unwanted plants are removed the identified DFL will be suitable for planting.

11. **Decisions:** After the detailed deliberations and discussion with Nodal Officer(FCA), Govt. of Kerala it was decided that:

- i. The State Government may provide any concrete proof like remote sensing maps, Government Documents etc. that proves that the area proposed for regularization is under encroachment prior to 1977.
- ii. The State government may submit the vegetation/ crop composition of the 83 DFL CA sited identified in Konni, Punalur and Ranni Divisions.
- iii. The State government may submit the valid reason why the proposal was not submitted earlier with the other proposals for regularization during 1993.
- iv. The decision of accepting the land whose status is wildlife sanctuary for the purpose of CA land has to be deliberated in FAC meeting and the decision will be taken after that.

The meeting ended with the votes of thanks to chair.

List of participants present in the meeting held on 26.07.2022 at 02:30 PM in Krishna Hall, IPB, MoEF&CC, New Delhi is given in the below table.

Sl. No.	Name & Designation	Address
1.	Shri S.P. Yadav, ADGF	MoEF&CC
2.	Shri Rajesh Ravindran, Nodal Officer (FCA)	Govt. of Kerala
3.	Smt. Rinku Kumari, AIGF	MoEF&CC

4.	Shri Jiju J.S., Technical Officer	MoEF&CC
5.	Ms. Shivani Sood, STA	DSS Cell, MoEF&CC