



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, चंडीगढ़ / Integrated Regional
Office, Chandigarh



फाइल नम्बर: 9-HRC093/2020-CHA

दिनांक: 2 December, 2022

सेवा में

नोडल ऑफिसर एवं अति.प्रधान मुख्य वन संरक्षक (सी.एफ),
कार्यालय प्रधान मुख्य वन संरक्षक,
C-18, वन भवन, सेक्टर 6,
पंचकुला, हरियाणा।

विषय: Diversion of 13.684 ha of forest land (closed under section 4 & 5 of PLPA 1900) In favour of Manav Rachna International Institute of Research and Studies along Badkhal - Surajkund road under forest division and District Faridabad (FP/HR/SCH /41500/2019) -

सन्दर्भ: i). अति. प्रधान मुख्य वन संरक्षक के पत्र संख्या FCA-D-III-92072540 दिनांक 30.11.2022.

महोदय,

मुझे आपका ध्यान उपर्युक्त विषय से सम्बंधित संदर्भांकित पत्र की ओर दिलाने का निर्देश हुआ है, जिसमें वन (संरक्षण) अधिनियम, 1980 की धारा-2 के अनुसार गैर वानिकी उद्देश्य के लिए 13.684 हेक्टेयर वन भूमि की मांग की गई है।

2. राज्य सरकार द्वारा 46th REC बैठक के मिनट्स दिनांक 11.01.2022 के बिन्दु संख्या 5(ii) का अनुपालन नहीं किया गया है, अतः प्रस्ताव से सम्बंधित निम्नलिखित जानकारी भेजने का कष्ट करें:-

- i) Detailed breakup of 13.684 ha of forest land has not been provided in the online proposal. An area of 0.19 ha has also been encroached by the user agency and the State Govt has not sent any reply in its compliance dated 30.11.2022. Hence. Complete proposal incorporating the details of entire area under the possession of the user agency needs to be submitted by the State.
- ii) Examination of Google Satellite Imagery revealed other similar construction in the area. The State Govt may, therefore, clarify if this is the isolated case or there are other similarly placed proposals. Detail of the same should be provided.
- iii) Detail of Forest Offence Report booked by the DFO and its current status may be provided.
- iv) Nodal Officer (FCA), in Part-IV, has also mentioned that extant proposal has been submitted as per the recommendation made by the CEC in IA No. 828 where CEC recommended that areas notified under section 4 and or 5 of the PLP Act including areas for which the notification have expired, areas planted under Aravalli afforestation project and other Plan/Non-Plan scheme of the Centre/State Government may also be treated as prohibited zone for colonization, construction of farm houses and other construction activities. Such activities in prohibited zone should be permissible only of found in public interests and after obtaining permission from Hon'ble Court. However, Hon'ble Supreme Court in its order dated 22.07.2022 directed that ".....If such non-forest use is permitted in accordance with Section 2 of the 1980 Forest Act, to that extent, the restrictions imposed by the special orders under Section 4 of PLPA will not apply in view of the language used in the opening part of Section 2 of the 1980 Forest Act"..... Therefore, a clarification is needed on the recommendation of the Nodal Officer made in Part-IV.
- v) Examination of sites proposed for CA reveals that CA has been proposed in two isolated patches involving areas of 11.33 ha and 2.05 ha. As per extant guidelines, the minimum acceptable area of non-forest land identified for CA is 5 ha. Since the patches are isolated i.e. not contiguous to forest land, NFL of 2.05 needs to be changed to suitable location.
- vi) Misleading details of alternative has been provided in the proposal i.e. in the online field pertaining to alternative examined, the details of CA land has been provided. Moreover relevancy of the same has not been justified in view of the fact that intended use has already been constructed i.e. situation of *fait accompli* has been created. Hence, the details of alternatives examined, needs to be modified accordingly.
- vii) Authorities in the Forest Department in their inspection report have mentioned that area proposed of diversion is barest minimum without justifying or indicating the supporting

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documents establishing the requirement as barest minimum. The detailed justification/documents needs to be given for justifying barest minimum.

3. उपरोक्त जानकारी इस पत्र के जारी होने के पश्चात 30 दिनों के भीतर प्रस्तुत करे जिसके प्रस्तुत न करने की स्थिति में इस प्रस्ताव को रद्द किया जा सकता है।

भवदीय

Digitally Signed by Raja

Ram Singh

Date: 02-12-2022 16:09:23

Reason: Approved

(राजा राम सिंह)

उप-वन महानिरीक्षक(केन्द्रीय)

IRO, MoEF&CC, Chandigarh

प्रतिनिधि:

1. Divisional Forest Officer, Forest Division and District Faridabad, Haryana (dfo.fabad-hry@nfce.nfe)
2. Manv Rachna International Institute of Research and Studies along Badkhal-Surajkund road, R/ side , Faridabad (shushlbhushan4777@gmail.com)

Enclt. No. :- 2469

Dated :- 16/12/22

A copy is forwarded to CEF(South)
& DFO, Faridabad for necessary action.

Addl. Principal Chief Conservator of Forests (FCA)
Haryana, Panchkula

16/12/22