

Haryana Forest Department
O/o Chief Conservator of Forest, South Circle, Gurugram
Sohna Road, Near New Court, Gurugram, Tel. 0124-2320981

No.: 2165

Dated: 18.8.2021

To

Addl. PCCF(FCA)-cum- Nodal Officer
Van Bhawan, Panchkula.

Sub.: 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, R/side, under Forest Division and District Faridabad, Haryana (online proposal No. FP/HR/SCH/ 41500/2019)

Ref.: Your office Endst. No. 1455-56 dated 07.05.2021 and MoEF&CC File No. 9-HRC093/2020-CHA dated 27.04.2021

Divisional Forest Officer, Faridabad vide his letter No. 360 dated 02.08.2021 has informed this office as under:-

- (a) Manav Rachna International Institute of Research and Studies has applied *ex-post-facto* approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 13.684 ha of forest land (notified under section 4 of the PLPA, 1900, by special order) in favour of along Badkhal-Surajkund Road, R/side, under Forest Division and District Faridabad, Haryana.
- (b) The proposal was discussed in the meeting of the Regional Empowered Committee held on 15.04.2021 wherein the Committee desired to know from the Nodal Officer, Haryana whether the Forest (Conservation) Act, 1980 or judgment of Hon'ble Supreme Court dated 12.12.1996 in the matter of T. N. Godavarman Thirumulpad vs. UOI & Others is applicable to the proposal. Accordingly, the IRO has requested to provide following information:
 - (i) **"State Government to verify/clarify whether violation of Forest (Conservation) Act, 1980 is applicable in this case or not."**
- (c) Manav Rachna International Institute of Research and Studies has established its campus over an area of 13.684 ha of land located in village Mewla Maharajpur District Faridabad, Haryana which is notified under section 4 of the PLPA, 1900, by special order vide Haryana Government No. S.O. 103/P.A./1900/S. 3/1992 dated 18th August, 1992. The land notified

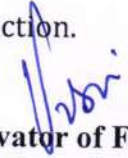
under section 4 and/or 5 of the PLPA, 1980, by special order, is treated as 'forest' for the purpose of the Forest (Conservation), Act, 1980. The Institute had not submitted any proposal under the FC Act but forest land has been diverted by the Institute without approval under the FC Act and without approval of the Competent Authority in the State. As land has been used without permission under section 2 of Forest Conservation Act, 1980, therefore, user agency has violated the provisions of Forest Conservation Act, 1980. The situation is similar to provisions as contained in para 1.21 (i) (a) of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications), 2019 issued by the Ministry of Environment, Forests and Climate Change, Government of India.

- (d) In this case, the permission for use of forest land for non-forestry purpose has not been granted by the Competent Authority in the State without prior approval of the Central Government as contained in para 1.21 (i) (b) of the Handbook.

The land parcel of the user agency is covered under Government Notification No. S.O.103/P.A./1900/S.3/92 dated 18.8.1992 under Section 4 (under category of specific order) of PLPA of 1900. The said parcel of land is forest land for the purpose of Forest Conservation Act by application of notification dated 18.8.1992 read with orders passed by Hon'ble Supreme Court in WP(C)'s No. 4677 of 1985, 202 of 1995, 202 of 1995 dated 18.03.2004, 11.09.2018, 16.12.2002 respectively.

The user agency has undertaken non-forestry activity in the said parcel of land without prior approval under Section 2 of PC Act, 1980 and has therefore violated the provisions of the FC Act, 1980.

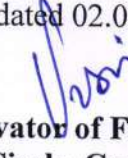
This is for your kind information and further necessary action.


**Conservator of Forests,
South Circle, Gurugram.**

Endst. No. 2166

Dated: 18.8.2021

A copy is forwarded to DFO Faridabad w.r.t. letter No. 380 dated 02.08.2021 for information and necessary action.


**Conservator of Forests,
South Circle, Gurugram.**