

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

Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 3

Dated: December, 2023

To,

The Dy. Director General of Forest,
Bays No. 24-25, Sector 31 A,
Dakshin Marg, Chandigarh,

Sub: Processing of the proposals involving non-forestry use of lands closed under Punjab Lands Preservation Act, 1900 and clarification on the applicability of the provisions of the Van Sanrkshan Evam Samvardhan) Adhiniyam, 1980 on such lands. - reg.

Sir,

I am directed to refer to Central Empowered Committee's letter No. 1-26/CEC/SC/2011-Pt.XXXXVI dated 07.09.2012 on the above mentioned subject requesting this Ministry to guide the Regional Office, Chandigarh to process the proposals seeking prior approval for non-forest use of the land notified under PLPA, 1900 in the district of Faridabad and Gurgaon. In this connection, it is to inform that the matter has been discussed by the Advisory Committee in its meeting held on 18.12.2023. A copy of the minutes of meeting of the Advisory Committee may be accessed at www.parivesh.ac.in .

Based on the recommendation of the Advisory Committee and approval of the same by the competent authority in the MoEF&CC, New Delhi, the Central Government that in light of provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and directions contained in the Hon'ble Supreme Court order dated 21.07.2022 passed in the matter of Narinder Singh and Other vs. Union of India and Others, the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam will be applicable in the lands covered under section 4 of the PLP Act, lands covered under court cases, as referred above; and proposal relating to non-forestry activities, already undertaken in such lands, shall be submitted to the MoEF&CC, New Delhi by the States/Union territory concerned for ex-post facto approval which shall be considered by the MoEF&CC in the following manner:

- i. Cases where non-forestry use has been done prior to 25.10.1980, with the approval of the competent authority, needs not be referred to the Central Government for prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. However, Details of all projects falling under this category along with copies of relevant supporting documents be submitted to MoEF&CC within next 120 days.
- ii. Proposals related to lands where the approval/sanction by the competent authority for the project has been granted by the

competent authority in conformity with the applicable land and/or housing laws and/or master/development plan of the said area either before or after issuance of special order under Section 4 of the PLPA but prior to Hon'ble Supreme Court's order dated 18.03.2004 (when for the first time PLPA lands were directed to be treated as forest for the purposes of FC Act) shall be considered for ex-post facto approval subject to payment of normal NPV and compensatory afforestation and other relevant conditions.

- iii. Proposal where the approval/sanction by the competent authority for the project has been granted by the competent authority in conformity with the applicable land and/or housing laws and/or master/development plan of the said land after the Hon'ble Supreme Court's order dated 18.03.2004 (when for the first time PLPA lands were directed to be treated as forest for the purposes of FC Act) shall be considered for ex-post facto approval subject to payment of normal NPV, compensatory afforestation, penal NPV, penal CA and other relevant conditions.
- iv. The MoEF&CC, New Delhi will examine such proposals on case to case basis and ex-post facto approval wherever considered, shall be subject payment of Net Present Value and Compensatory Afforestation or penal compensatory levies, as mentioned under clause (ii) & (iii) above.
- v. In cases, the lands covered under section 4 of the PLP Act but located within the Protected Areas such as National Park, Wildlife Sanctuaries and Tiger Corridor, prior approval of the Standing Committee of the NBWL, as applicable, in accordance with the relevant provisions of the Wild Life (Protection) Act, 1972 and relevant guidelines issued thereunder, shall be obtained before submission of the proposal for ex-post facto approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
- vi. In cases where any part of the project area falls in any notified eco sensitive zone, the proposal under the Van Sanrakshan Evam Samvardhan Adhinyam shall be submitted/considered only after excluding such part and such part of the project land falling in notified ESZ shall be used strictly in accordance with the notification of such eco sensitive zone.

This issue with the approval of Competent Authority.

Yours Faithfully,

(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. The Principal Secretary, Government of Punjab and Haryana,
2. The PCCF, Government of Punjab and Haryana

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3. The Nodal Officer, O/o PCCF, Punjab and Haryana
4. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
5. Guard file