

FOREST CASE UPDATE

Issue 55, September 2009

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Extracts of the Central Empowered Committee Report on Implementation of Private Forests Act in Maharashtra

I.As.No. 2352-53 of 2008 have been filed by the State of Maharashtra regarding private forest Maharashtra. In the I.A., the following prayers have been made:

“1. The lands coming under the provisions of the Maharashtra Private Forests (Acquisition) Act, 1975 which were put to non forestry use prior to 25th October, 1980 by way of having been awarded Approval of Plans, Commencement Certificates, IODS or Non Agriculture Permissions by the Competent Authorities be treated deleted from the category of forests and non forestry activity be allowed on such lands without charging CA, NPV or equivalent non forest land or any charges whatsoever.

The Collectors of all the districts be directed to pass appropriate orders under section 6 of 22A of the Maharashtra Private Forests (Acquisition) Act, 1975 either on an application or suo moto as provided for it under the Act, for all the pieces of land coming under the provisions of the Act under their jurisdiction within 30 days.

For the lands exempted from the provisions of the Maharashtra Private Forests (Acquisition) Act, 1975 under section 6 of the Act, no condition need be stipulated while granting permission under the Forest (Conservation) Act, 1980, as these lands are not 'forests' at all.

The order of the Collector may only be approved after it is duly recommended by the office of the PCCF. The GOI be directed to approve of such cases within 2 months of their submission from the State.

For the lands restored under the Act on which residential complexes have come up/are coming up wherein Non Agriculture Permissions (N.A.) and buildings were fully constructed and completion certificate and occupation certificate were issued by the Competent Authorities after 25th October, 1980 but before 18th May 2006 when the “stop construction work” notices were issued, only afforestation charges be collected for afforesting equivalent forest land. Neither equivalent non forest land nor the Net Present Value be charged to them, as these areas are their own private lands.

Likewise, if on such restored lands, the farmer has dug a well or has constructed a house for himself which he inhabits round the year or is taking other activities ancillary to agriculture with due permissions during the above said period the cases be regularized.

The above said permissions be allowed to be granted at the state level as it is virtually impossible to have a proposal from those inhabiting every single building or from owners of be directed to grant such permissions within 3 months of passing of orders of the Hon. Court.

For all other restored pieces of lands e.g. where plans were approved, commencement certificates granted, but buildings were not completed and completion certificate or occupation certificate were not issued prior to 18th May 2006, no equivalent no forest land or Net Present Value be charged to these people as these areas are owned by themselves, but afforestation charges be collected at 10 times the normal amount. If farmers are to take agriculture or ancillary activities on such lands for his legitimate means, normal afforestation charges be recovered. For lands which are vacant and in which commercial construction is proposed, the owners/developers would have to pay NPV and compensatory afforestation charges. Instructions be imparted to the Govt. Of India to devise a suitable mechanism to process/decide such cases expeditiously, preferably within a stipulated period of 4 months.

In all the cases wherein afforestation charges are to be collected, wherever non forestry activity has been undertaken after 25th October, 1980, afforestation charges be collected for afforesting forest area twice in extent.

In all such areas the relief sought be granted once and for all so that thereafter they need not have to approach any of the authorities for further disposal/non forest use of their pieces of land.

The Private Forest Lands for which neither deletion orders can be issued under Section 6 of the Maharashtra Private Forests (Acquisition) Act, 1975 no restoration orders can be passed under section 22A of the Act are deemed Reserved Forests and all proposals on these lands shall be dealt with as such.

Pass other appropriate order.”

3. These I.A.s along with the above said SLPs were heard by this Hon'ble Court on 29.8.2008 when the following order was passed:

“As requested six weeks time is granted for filing Counter affidavit. I.A.2352-53/2008 are taken on Board. These applications filed by the State of Maharashtra for directions are hereby referred to CEC for Report. Report of CEC is awaited.”

4. This Report is filed by the CEC pursuant to the above order of this Hon'ble Court after examining the matter during meetings held by the CEC on 11.2.2008, 15.12.2008, 16.12.2008, 17.12.2008, 23.3.2009, 25.3.2009 and 21.5.09 and the site visit done by Mr. P.V. Jayakrishnan, Chairman CEC along with Mr. Mahendra Vyas, Member and Mr. S.K. Chadha, Member on 29th and 30th December, 2008 and again by Mr. P.V. Jayakrishnan, Chairman CEC along with Mr. M.K. Jiwrajika and Mr. Mahendra Vyas, Member and Mr. S.K. Chadha, Member Secretary and Mr. A.D.N. Rao, Amicus Curiae on 5th and 6th June 2009. This Report also takes into consideration the issues raised by the following persons who have made written/oral submissions before the CEC in respect of the above matter.

BACKGROUND:

5. The Maharashtra Private Forests (Acquisition) Act, 1975 hereinafter referred to as the Private Forest Act, came into force on 30.8.1975 (appointed date). Section 3 of the Act provides that all the private forests in the State of Maharashtra stand acquired and vest in the State Govt. with effect from 30.8.1975, free from all encumbrances and that these are deemed to have become "reserved forest". As per Section 2 of the said Act, "private forest" means any forest which is not the property of Govt. and inter alia includes

- (a) any land declared to be "forest" under Section 34(A) of the Indian Forest Act;
- (b) any forest in respect of which any Notification issued under Section 35 (1) of the Indian Forest Act, 1927 was in force;
- (c) any land in respect of which a notice has been issued under Section 35 (3) of the Indian Forest Act, but excluding an area in extent upto 2 ha., as may be decided by the Collector; and
- (d) land in respect of which a notification has been issued under Section 38 of the Indian Forest Act.

6. Section 6 of the Private Forest Act empowers the District Collector to decide whether or not any forest is forest or whether or not any private forest has vested in the State Government. It also provides that the decision of the Collector, subject to the decision of the Tribunal or the order of State Government in Appeal under Section 18 of the said Act shall be final.

7. The Private Forest Act has been amended by inserting Section 22 (A) with effect from 26.4.1978 with a view to restore the land acquired from small farmers who lost their source of livelihood. The Section 22 (A) provides for the restoration of the whole or a part of the land acquired under the Act to the original owner if due to the acquisition under the Act, his land holding has become less than 12 ha. Section 24 of the Act provides that the status of the land restored under Section 22 (A) remains that of private forest. Therefore, for its non-forest use, leasing, sale/purchase. Prior approval for the Govt. under Forest (Conservation) Act is mandatory.

10. As per the details provided by the State of Maharashtra, under the provisions of the Private Forest Act, an area of about 2.59 lakh ha has been acquired and deemed to have become Reserved Forest. Out of the above, so far, 87,006 ha has been restored to the original owners under Section 22 (A) of the said Act and 8,137.88 ha has been released under Section 6 of the said Act.

11. Section 24 (2) of the amended Private Forest Act provides that in respect of the land restored under Section 22 (A) of the Act, Section 34A, 35, 36, 36A, 36B, 36C and 37 of the Indian Forest Act shall be continued to be applicable i.e. such area continue to have the status of

“Private Forest”. Therefore, the areas restored to the original owners under Section 22 (A) of the Private Forest Act continue to be “forest” for the purpose of the Forest (Conservation) Act, 1980 and require prior approval of the Central Govt. for its non-forest use and also for its sale/purchase.

12. The physical possession of many areas which stand acquired under the Private Forest Act, were not taken by the Maharashtra Forest Department. In the land records, many of these areas were continued to be shown as privately owned “non-forest” areas. The management for such areas remained with the original owner. No demarcation of such areas was done. The sale/purchase of such areas and its non-forest use was permitted by the concerned authorities of the State of Maharashtra by treating such area as privately owned non-forest land. In a large number of cases, sale/purchase of land has taken place a number of times, buildings have been constructed, occupied and third party rights have been created.

13. In Public Interest Litigation No.17 of 2002 (Bombay Environmental Action Group and others Versus the State of Maharashtra and others), the Division Bench of the Hon'ble Bombay High court passed an Order dated 22.6.2005 directing that the land records in respect of areas acquired under the Private Forest Act be updated by 31.5.2006.

14. Against the mutation entries made in the Revenue records (as 'forest') and “stop work” orders issued by the concerned authorities of the State of Maharashtra, various builders and developers, cooperative housing societies, Resident Welfare Associations and others filed the following 18 Writ Petitions before the Hon'ble Bombay High Court.

16. This Hon'ble Court by order dated 26.4.2007 in the SLPs filed before it, asked the Hon'ble Bombay High Court to dispose the Writ Petitions pending before it within a period of four months and directed that in the meanwhile no third party interest shall be created by the petitioners. All 18 Writ Petitions have been dismissed by the Hon'ble High Court by judgment dated 24.3.2008. Later this Hon'ble Court by order dated 24.8.2008 dismissed the SLPs filed against the interim order of the Hon'ble Bombay High Court on the ground that these SLPs have now become infructuous. Thereafter various SLPs have been filed before this Court against the judgment of the Hon'ble High Court of Bombay.

17. The SLP (Civil) No. 10677/2008 filed by Godrej & Boyce Manufacturing Co.Ltd together with various other SLPs were heard by this Hon'ble Court on 5.5.2008 when the following order was passed

“Issue Notice. Status quo as on today shall be maintained. In this disputed land, which alleged to be forest land, there shall not be any further construction by the petitioners. The petitioners shall not create any third party rights thereafter. The respondent shall not take any further action till this next date of hearing i.e.22.8.2008. List on 22.8.2008.”

OBSERVATIONS AND RECOMMENDATIONS

21. From the above it may be seen that the Maharashtra Private Forests (Acquisition) Act, 1975 hereinafter referred to as the Private Forest Act, provides all the areas in respect of which Notices/Notifications have earlier been issued under Section 35 (1) or Section 35 (3) of Indian Forest Act, 1927 stand vested with the State of Maharashtra free from all encumbrances with effect from 30.9.1975 and that such areas are deemed to have become Reserved Forest.

22. Though the Private Forest Act was enacted with laudable objectives its implementation has been very tardy and callous. Under the provisions of the Private Forest Act, an area of 2.59 lakh ha. in 57,665 cases were acquired. Out of the above so far only 2,238 cases covering 84,686 ha. area have been finally decided and the land has finally vested with Government.

87,000 ha area in 3,398 cases have been restored under Section 22 (A) and 8,138 ha area in 2,757 cases have been released under Section 6 of the Act. Enquires under Section 22 (A) and Section 6 are still pending with regard to 78,000 ha. area in 16,672 cases. For about 12,712 ha. area restored/released after 25.10.1980 except about 2,665 ha area; approvals under the FC Act for the remaining area are yet to be taken.

25. It is thus clear that after the issue of notices under Section 35 (3) or Notification under 35 (1) of the Indian Forest Act, no follow-up action was taken by the State Govt. Even after the Private Forest Act came into force, neither physical possession of the land was taken nor the areas were recorded as 'forest'. A substantial part of such area falls in urban conglomeration and have been used for various non-forest purposes including construction of buildings for which permissions have been granted by the concerned State Government authorities. Sale/purchase and resale have taken place and third party interests have been generated. People are residing for last 30-40 years in hundreds of buildings constructed with the then valid approvals. It was only after the order dated 26.5.2005 of the Hon'ble Bombay High Court, that these areas are now being treated as falling in category of "forest". Many such areas are surrounded all around by other buildings and within metropolitan areas and are no longer suitable for afforestation or to be managed as 'forest'.

26. In the above complex background, at this belated stage, it is neither feasible nor in public interest to demolish the existing buildings/structures, relocate the existing occupant/owners and physically convert such area into forest. The CEC in these circumstances considers that the balance of convenience lies in granting permission under the Forest (Conservation) Act for de-reservation of non-forest use of such area on a graded scale of payment depending upon the category/sub category in which such land falls.

RECOMMENDATIONS

27. After considering the details above by the State of Maharashtra and the written/oral submissions made by the parties before the CEC, the area acquired under the Private Forest Act for the purpose of this Report has been divided into various categories/sub-categories as given below.

[Note: This table has been created from the CEC report for the purpose of Forest Case Update]

Category	CEC Recommendation
<p>Category I (<i>Areas acquired under the Private Forest Act which in government records were maintained by Revenue and Forest Department (FD) till the Bombay High Court order of 22.6.2005, but was never recorded as forests. Physical possession not taken over by FD and area not used for afforestation etc. Area did not belong to Government and was not a National Park or Wildlife Sanctuary. The sale/purchase was legally valid.</i>)</p> <p>Sub Category IA (construction with all permissions, area used for residential purpose, the completion/occupation certificate was submitted to Bombay High</p>	<p>Sub Category IA: Consider permitting continued non-forestry use, de-reservation and private ownership on payment of an amount equal to the NPV payable for the adjoining forest area. State of Maharashtra to file consolidated proposal for ex-</p>

<p>Court)</p> <p>Sub Category IB (all of sub category 1A but where completion/occupancy certificates were not issued prior to 22.6.2005, however Intimation of Disapprovals (IOD) were issued.)</p> <p>Sub Category IC (all criteria of category 1 but where area was used for construction of factories and/or other commercial purposes <i>after seeking requisite approvals.</i>)</p> <p>Sub Category ID: (all stipulation of category 1 but where building plans are yet to be approved and no construction has taken place)</p>	<p><i>post facto approval. Granting relaxation for seeking permission of Supreme Court in the CEL (WWF) case (WP Civil No.337 of 1995)</i></p> <p>Sub Category IB: Regularize as Sub category 1A but NPV payment of five times instead of one time.</p> <p>Sub Category I C: Regularize as Sub category 1A but NPV payment of ten times instead of one time.</p> <p>Sub Category ID: Regularize as Sub category 1A but NPV payment of twenty times instead of one time.</p>
<p>Category II: areas not 'private forest' on the appointed date but have been wrongly been recorded as 'forest' in the land records; including lands owned by central/state governments like BARC or land acquired by a competent authority of the state government and subsequently allotted/sold to private parties</p>	<p><i>State of Maharashtra may be authorized to rectify the land records after proper enquiry under Section 6 of Private Forest Act. Amounts deposited towards NPV, compensatory afforestation will not be refunded but transferred to designated account wherein amounts for categories IA and ID are being deposited.</i></p>
<p>Category III: areas which stand acquired by state government and are recorded as 'forests' in land records maintained either by Revenue or Forest Department; areas restored under Section 22 A of Private Forests Act but have been used for non forest purpose</p>	<p><i>Since non forest use has knowingly taken place in violation of the FC Act, these areas not to be regularized even if construction has taken place.</i></p>
<p>Category IV: cases pending enquiry under Section 22 A</p>	<p><i>After the prescribed enquiry, areas might be allowed to be restored to original owner subject to conditions which include: area not to be used for non-forest use, however agriculture and ancillary activities permissible. No non-agricultural (NA) permission will be granted and land will be recorded as 'restored private forests'. No approval of FC Act without permission of Supreme Court. Before restoration, approval under FC Act to be taken, which may be granted without payment of NPV or compensatory afforestation charges.</i></p>

38. A decision in respect of the land falling in sub categories 1 (A), 1 (B) and 1 (D) may be taken after verification by the Committee as recommended bat para 45 of the Report and as per the applicable conditions/payment. The continued ownership of 53 acres and 23 *guntha* area in favour of M/s Godrej & Boyce, which is otherwise not proposed to be used for any non forestry purposes, will also require approval under the FC Act. This may be considered on payment of an amount equal to one time normal NPV and subject to the conditions that (i)

this area will not be used for any non forestry use (ii) that no proposal for its non-forestry use will at any time in the future be considered under the FC Act.

39. At one state, the CEC was considering recommending regularization of the above area, together with the other adjoining area which falls in the category of deemed forest, on M/s Godrej & Boyce agreeing to transfer about 1,750 acres of its land, having very dense mangroves, to a Public Trust to be set up under the orders of this Hon'ble Supreme Court. This land, to be perpetually maintained as 'forest' would have served as green lungs for Bombay and would have ensured that at no point in future, any non-forest use of about 1,750 acres of land takes place even after obtaining approval under the FC Act. This would also have ensured, unlike many tracts of recorded forest area, that the 1,750 acres of land does not remain as forest only on paper. M/s Godrej & Boyce had also agreed in principle to the above line of approach so much so that a second site visit was done by the CEC for this purpose. However, no unanimity as to the modalities of the implementation of the above could be reached and therefore the above proposal is not being pursued any further.

45. It is also recommended that a Committee comprising of one representative each of the Ministry of Environment & Forests, Government of Maharashtra in Revenue and Forest Department, Principle Chief Conservator of Forests, Maharashtra, Forest Department and one reputed NGO, may be constituted by this Hon'ble Court for examination of the details of each of the cases and for placing them in appropriate category. Based on the Report of the above said Committee, a consolidated proposal may be prepared by the State of Maharashtra and which may be considered for approval under the FC Act subject to the payment of amount(s) as recommended above. The amount so received maybe kept in a designated bank account and may be used for the implementation of special schemes, to be prepared by MoEF in consultation with the State of Maharashtra, for the conservation and protection of forests and wildlife.

The Hon'ble Court May please consider the above Report and may please pass appropriate order in the matter.

[Report signed by M.K. Jiwrajika, Member and dated: 13th July 2009]

**Some Orders of the Centre of Environment Law (WWF) Hearing on 11th
August 2009 (Writ Petition (Civic) No.337 of 1995)**

- **I.A.No.37:**

It is alleged that the Uttaranchal Jal Vidyut Nigam Ltd. has constructed a power house within the boundary of Askot Wildlife sanctuary. We are told that the National Board for Wildlife has not taken any steps so far in this regard. Learned counsel appearing for the State of Uttaranchal contends that the boundary of the sanctuary has not yet been finally decided. The State shall file a fresh report regarding the determination of the boundary of the sanctuary. List after eight weeks.

- **I.A.No.52:**

It is stated that about 1390 families are staying within the boundary of Rajaji National Park. There was a scheme to rehabilitate them in another area for which the government has diverted 1123 hectares of forest land earmarked by the State Government. But so far these families have not yet been shifted to these areas. The State Government is directed to file

an affidavit as to what steps have been taken in this regard also explaining the nature of the land which is kept separate for the intended purpose.

List after eight weeks.

- **I.A.No.95:**

It is alleged that the Jal Vidhyut Nigam Ltd. and the Irrigation Department of the State have set up certain illegal constructions including shops in the Rajaji National Park but the State has not taken any steps in this regard. Learned counsel for the State submits that it had already issued notices to Jal Vidyhut Nigam Ltd. to remove the unauthorised constructions, including the shops. State shall file an affidavit to this effect within eight weeks.

- **I.A.Nos.114-115:**

The National Hydro-Electric Power Corpn.Ltd. seeks to construct Pakal Dul Hotro Electric Project for which 1163.898 hectares of land out of which 386.186 land is within the Kishtwar National Park area. National Board for Wild Life has examined the same and has filed a report clearing this project subject to certain conditions. These conditions are acceptable to N.B.W.L. Subject to fulfillment of the conditions imposed by N.B.W.L. and on payment of Rs.236 crores for conservation purpose, the project is cleared as regards 386.186 hectares. So far as 311.042 hectares of forest land is concerned, the matter is referred to C.E.C. Post these applications before the Forest Bench.

- **I.A.Nos.126-127:**

The Lanco Hydro Energies Pvt. Ltd. seeks permission to divert 17.78 ha. of forest land, which is a part of Kedarnath Musk Deer Wildlife Sanctuary, Uttarakhand. The National Board for Wildlife (NBWL) has considered the Project and subject to fulfillment of certain conditions it has recommended that the Project could be cleared. We accept the same, subject to conditions laid down by National Board for Wildlife. The Project is cleared accordingly.

The Chief Wildlife Warden to monitor the Project and to see whether all the conditions are complied with and the provisions of the Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Acts, 2006, be also complied with.

I.A.s are disposed of accordingly.

- **I.A.Nos.128-129:**

About 180.79 ha. forest land earmarked for construction of Adwa-Meja link canal is part of Ban Sugar Canal Project. The project was cleared subject to fulfillment of certain conditions. One of the conditions is relocation of 10 villages. Now, the State Government submits that villagers are not willing to move out of the villages and it is difficult to comply

the directions issued by this Court. The matter is referred to NBWL as to what steps could be taken in this regard. The National Board for Wildlife to file response/report.

List after eight weeks.

- **I.A.No.134:**

The Fambonglho Wildlife Sanctuary was originally notified as 51.76 sq. km. Another 100 hectares of land was added to this Sanctuary. But later after carrying rationalisation of boundaries it was found that 58.37 hectares are to be excluded. This I.A. has been filed for appropriate directions regarding rationalization of the boundaries. This is cleared subject to conditions laid down by the National Board for Wildlife.

I.A is allowed accordingly.

Some Orders in the Godavarman Case on 21st August 2009

- **I.A.No.941 IN I.A.No.754-755 WITH I.A.No.777, 1131-1133, 1138-1146, 1148, 1184, 1272, 1361, 1579-1580 (Regarding saw mills in Orissa)**

After this Court passed Order dated 10.7.2009 regarding closing of the saw mills in the State of Orissa, a large number of saw mills were closed. The State is of the view that for the saw mills appropriate location could not be found as many of the areas are covered by the definition of forest. Now the State has proposed and want to set-up Industrial Estate(s) for establishment of saw mills for which they require amendment of the Orissa Saw Mills and Saw Pits (Control) Act, 1991.

In view of the statement made by the learned counsel for the State of Orissa, we direct that urgent steps may be taken in this direction at the earliest.

Post on 20.11.2009.

- **I.A.NO.991, 1004, 1185, 1273, 1280, 1294, 1443, 1611, 2018 & 2073, 2175, 2357 (Regarding Mining in Choursil Reserve Forests, Lalitpur, Uttar Pradesh)**

The applicant is having mining activities at Lalitpur, U.P. It is alleged that this mining area was within the Choursil reserved forest. There was some dispute regarding the boundary of the forest area. The Survey of India has conducted survey and it is found that there was some discrepancy about the area of the Choursil reserved forest and there was also some dispute regarding the boundary of this forest area. The portion of the area under mining, falling within the Choursil reserved forest has been found to be 1.79 hectares. The applicant would like to make some submissions as to what measures should be taken in this regard. The applicant proposes to file representations to the CEC and to the amicus curiae. In case any representation is filed, the CEC will file a formal report on this application/representation.

List on 9.10.2009.

- **I.A.NO.979 IN I.A.NO.443, 1204, 1245, 1357 & 2110, 2141, 2627-2728 (Regarding mining in Lalitpur, Uttar Pradesh)**

The applicant has been engaged in stone mining in Lalitpur, U.P. It was suspected that this area fell under the forest-like area and the State was requested to identify whether this area is forest-like area and that exercise has been done by the State of U.P. Now, guidelines have been issued as to how these areas are to be identified. The applicant submits that the area for which he had sought permission for mining operations is outside the area identified as forest-like area by the State. CEC has already filed a report.

In view of the subsequent development, the CEC may file further report in this regard. The application filed by the applicant is referred to CEC for report.

List on 9.10.2009.

- **I.A.Nos.1362-1363 (Regarding Lower Subansiri Hydro Electric Project, Arunachal Pradesh)**

The Order passed by this Court on 10th July, 2009, is varied to the following extent:

By these interlocutory applications, the applicant seeks modification of this Court's Order dated 19.4.2004 passed in I.A No.966 and 1012. The matter relates to the construction of the Lower Subansiri Hydro Electric Project by NHPC. The CEC made some recommendations. Pursuant to the order dated 21.7.2006 the matter was referred to the Standing Committee of the National Board of Wild Life. An affidavit is filed by the Deputy Inspector General (Wildlife), Government of India dated 18.3.2009 putting the decision of the Board on record. It is stated that any proposal in the upper stream of Subansiri river would be considered independently on its own merit by the Standing Committee as and when submitted by the proponents and the State Government would declare 168 sq. kms. Of Reserve Forest as Sanctuary and make serious efforts to bring an additional area of 332 sq.kms. reserved forest under the category of Conservation Reserve in consultation with MoEF. This suggestion is acceptable to the State Government and NHPC and IAs are disposed of and conditions (ii) and (vii) are substituted by the following:-

(i) Any proposal in the upper stream of Subansiri river would be considered independently on its merit by the Standing Committee as and when submitted by the proponents.

(ii) State Government would declare 168 sq. kms. Immediately as Sanctuary and make serious efforts to bring additional 332 sq.km. reserved forests under the category of Conservation Reserve in consultation with MoEF.

- **I.A.No.2550 (Regarding alternative alignment of a bypass by NHAI in Jammu & Kashmir)**

The National Highways Authority of India seeks permission for use of 8.9738 ha. of forest land for construction of alternative alignment proposed from Bannihal bypass, Jammu Province to Wagund, Kashmir Province to cross the Pirpanjal Ranges through a tunnel.

The CEC has examined the project and approved the same subject to certain conditions. The conditions being:

i) the NPV at the applicable rate will be deposited in the Compensatory Afforestation Fund; and

ii) the conditions imposed by the Chief Wildlife Warden will be strictly complied with.

These conditions are acceptable to NHAI. Subject to fulfillment of the above conditions, the project is cleared.

I.A. is disposed of accordingly.

- I.A.No.2569 (Regarding construction of a road in Changthang Cold Desert Wildlife Sanctuary, Sikkim)

This application is filed by the Ministry of Home Affairs seeking permission for construction of road passing through the Changthang Cold Desert Wildlife Sanctuary. CEC has examined the same and has filed its report. CEC has stated in its report that the project authorities will strictly comply with the conditions on which the project has been recommended by the Chief Wildlife Warden, Jammu & Kashmir, Forest Department and the Standing Committee of NBWL and has also stated that 5% of the project cost will be deposited in the Compensatory Afforestation Fund.

These conditions are acceptable to the applicant.

Subject to that payment and observations of the conditions, the project is cleared.

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For further information and clarifications please write to forestcase@yahoo.com

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Visit the Forest Case Update Website for past issues and accessing the orders of the Supreme Court and Central Empowered Committee: www.forestcaseindia.org

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