

**DEPARTMENT OF FORESTS & WILDLIFE  
GOVERNMENT OF NCT OF DELHI  
A-BLOCK, 2<sup>ND</sup> FLOOR, VIKAS BHAWAN  
I.P.ESTATE, NEW DELHI-110002**

**F.No. F1(2497)/Legal/HQ/20-21/Pt2/dcfpm2 Dated: 8.02.2024**

**MINUTES OF THE 8<sup>TH</sup> MEETING OF the OVERSIGHT  
COMMITTEE HELD ON 29.01.2024 IN COMPLIANCE OF THE  
HON'BLE NGT ORDER DATED 15.01.2021 IN O.A. NO 58/2013  
IN THE MATTER OF SONYA GHOSH VS GNCTD**

In compliance of the Hon'ble NGT Order dated 15.01.2021 in O.A. No. 58/2013 in the matter of Sonya Ghosh Vs. GNCTD, the 8th meeting of the Oversight Committee was held on 29.01.2024 at 1:00 PM under the chairmanship of Director General of Forests & Special Secretary (DGF&SS), MoEF&CC, Govt. of India. The list of participants is attached as **Annexure-A**.

At the outset the DGF&SS welcomed all the participants and a brief presentation on the present status of the various agenda points was given by the CF. The following recommendations were made by the committee in respect of various agenda points:

**Agenda 1: Status of encroachment removal from forest land**

- The details of ridge forest land made free from encroachment were placed before the committee (**Annexure B**). The committee took a positive note of encroachments removed over 2.08 Ha since the last meeting of Oversight Committee held on 14.11.23
- The committee was apprised that the action plan for removal of encroachments in southern ridge has been divided into three categories for early and effective actions.
  - a. Khasras with Heavily built structures
  - b. Khasras with temporary structures (habitation and others)
  - c. Khasras with farm house and other structures.

—Asabestip

- A list of khasras with encroachments under category b and c with total area of 80.75 ha has already been identified for early removal. The weekly plans for encroachment removal have been prepared for West Forest Division and South Forest Division by the concerned District Task Forces (DTFs) headed by the respective DMs.
- It was recommended in the meeting to prepare a schedule along with timelines for next 6 months in respect of encroachment removal in ridge reserve forest and place it before the committee in the next meeting. It was further recommended that a flowchart indicating steps of encroachment removal in respect of all categories of encroached areas be prepared so that specific issues pertaining to each area may be identified. **[Action by: DM (South, South East, South West, New Delhi) DCF (South, West)]**

**Agenda 2: Status of notification under section 20 (Phase- I & II, Southern Ridge)**

- The committee was informed about the progress of notification under Section - 20 of IFA 1927 in respect of Southern Ridge.

S.No.	Ridges	Phase 1	Status	Phase II	Status	Phase III
1.	Southern Ridge	3526.98 ha	File is submitted for approval of the Hon'ble Lt. Governor on 12.12.2023. The file is currently with DC, South.	1594.52 ha	File is being prepared.	982.34 ha- File is being prepared.
2.	Northern Ridge	123.57 Ha.	File submitted for seeking comments/ concurrence of Revenue	-----	For phase II, proposal for notification is being	NA

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			Department over draft notification for all areas where there are no cases pending with FSO/Appellate authority on 14.12.2023.		prepared for remaining areas.	
3.	South Central Ridge	626 Ha.	File has been submitted to DDA & Revenue Department for seeking comments/ concurrence over draft notification on 14.12.2023.  File is being prepared.	NA	NA	NA
4.	Central Ridge	---Ha.	DGPS survey is being conducted & the draft notification is being prepared	-----Ha.	The draft notification is being prepared.	NA
5.	Nanak Pura Ridge	8.3Ha.	File with draft notification has been submitted on 14.12.2023 for seeking comments/ concurrence DDA & Revenue Department before obtaining approval of the Hon'ble LG, GNCTD for issuing	NA	NA	NA

—Assesty

I/64354/2024

			notification u/s 20 IFA, 1927. File is being prepared.			
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- It was recommended in the meeting to expedite the process of notification by coordinating with all the concerned departments and ridge managing agencies.
- The committee was apprised about the fact that the ridge reserve forest is managed by multiple agencies (**details at Annexure- C**)
- Representatives of DDA raised a request for exclusion of area under their ownership from final notification of section-20, IFA. However, it was asserted that exclusion could only have been done by the FSO as per provisions of IFA 1927 after following the due process, had DDA approached the FSO. It was further reiterated that notification under Section - 20 of IFA is to be done irrespective of the ownership of the land. It was also remarked by the committee that all areas where Section- 4 notification under IFA 1927 has been done, are governed by relevant provisions of IFA 1927 and Forest(Conservation) Act 1980, and no non-forestry activity can take place in these areas without due approval. In this regard, the committee was apprised about a self-explanatory letter written by the CF, Govt of NCT of Delhi to all ridge managing departments/agencies (**Annexure- D**).
- It was re-asserted that the responsibility of protection of the ridge reserve forest rests lies with the respective agencies under whose jurisdiction the ridge. Each such agency must ensure that no violation of IFA 1927 and FCA 1980 occurs within their jurisdiction. In case of any violation of FCA, 1980 appropriate actions need to be initiated, as per Acts and Rules.
- The participants were informed during the meeting that, the Supreme Court has given directions vide order dated 30.11.2023 in WPC no. 1164/2023 w.r.t the Van Sanrakshan Sanshodhan Adhiniyam, 2023(Forest (Conservation) Amendment Act, 2023). The directions is reproduced below:

*".... no precipitative action will be taken by the Union of India until further orders in respect of the forest, as understood in accordance with the dictionary sense."*

**(Annexure-D1)**

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- It was noted the violations of FCA 1980 in South Central Ridge (626 Ha) as recorded in the minutes of the last meeting held on 14.11.2023, which is under the management of Delhi Development Authority (DDA). It was recommended that a High Level meeting at the level of MoEFCC may be called with DDA and DoFW, GNCTD with regard to South Central Ridge, Northern ridge, Central Ridge and Nanakpura Ridge; as DDA is managing ridge reserve forests in all these areas. It was also recommended that the matter may be referred to REC and IRO for examination of the violations of FCA 1980 and for taking further necessary actions.

**[Action by: DM (South, South East, South West, New Delhi) DCF (South, West), Ridge Managing Agencies]**

### **Agenda 3: Status of cases pending before FSO and First Appellate Authority (Divisional Commissioner)**

- The committee was informed about the status of the cases pending with the FSO as below:

<b>Division</b>	<b>Total no. of cases</b>	<b>No. of Cases Disposed</b>	<b>Status till date</b>	<b>No. of cases pending</b>
South Forest Division	82	41	41	41 (Hearing is under process for all 41 cases).
West Forest Division	14 (1 new case have been admitted)	5 (2 cases have been disposed)	5 (Hearing has been completed for 3 cases and orders have been kept reserved in them).	9 (Hearing is under process for all 9 cases).

- The committee was apprised of the status of the cases pending before the First Appellate Authority, i.e. the Divisional Commissioner as below:

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<b>Division</b>	<b>Status till date</b>	<b>Total no. of appeals against FSO orders filed before First Appellate authority till date</b>
South Forest Division	32 (Affecting approx 100 ha of Forest land)	35 (Affecting approx 113.36 ha of Forest land)
West Forest Division	-	7 (Affecting approx 5.88 ha of Forest Land)

- It was recommended that in light of the orders of the Hon'ble Delhi High Court, the pendency of cases before the FSO and First Appellate Authority (FAA) needs to be expedited.

**[Action by: Divisional Commissioner (FAA) & FSO]**

#### **Agenda 4: Status of tattima proceedings**

- The status of tattima proceedings as informed to the committee is attached (**Annexure-E**)
- The committee was informed that out of a total of 239 khasras where tattima is to be done, the process has been completed in 17 khasras and is ongoing in 149 khasras. It was recommended that the process of issue of notices for all 239 khasras would be completed immediately. Further, the Revenue Department was requested to complete the tattima proceedings in association with Forest Department by holding regular hearings.

**[Action by: DM (South, South-East, South-West, New Delhi)], DCF (South, West)]**

#### **Agenda 5: Status of boundary wall construction**

- The committee was informed that approval has been conveyed to IFCD for floating of tenders for construction of 20 km boundary wall in Southern Ridge.
- It was recommended that DCF (South) would expedite the construction of the boundary wall. **[Action by: DCF (South)]**

#### **Agenda 6: Status of cases where stay has been given by various courts**

<b>Division</b>	<b>No. of Cases where stay has been given</b>

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South Forest Division	130 cases
West Forest Division	14 cases (Out of which 5 cases are disposed off & 9 cases are ongoing)

- It was recommended that the DoFW would pursue the cases diligently and put in all efforts for getting the stay vacated in a time bound manner.
- **[Action by: DCF(South & West)]**

#### **Agenda 7: Status of Working Plan for Delhi**

<b>Date</b>	<b>Status</b>
30.06.2021	FRI, Dehradun was intimated about acceptance of their proposal for preparation of Working Plan
09.08.2021	First instalment of 20% payment (15.6 Lakh) was released
04.04.2022	Team of FRI arrives in Delhi for first field survey
29.06.2022	FRI informs about completion of field survey and requested for supply of additional information. Information has been already provided to FRI as per their request.
29.09.2022	Second Installment of 39.00 lakh has been approved
17.11.2022	Draft Preliminary Working Plan Report (PWPR) has been received from FRI. After that a meeting to discuss the PWPR was held on 28.03.2023 at FRI with CWLW. A survey for collection of various data for preparation of the working plan is currently underway by the team of FRI, Dehradun.
Present status	A meeting was held by APCCF/HOD with FRI on 24.01.2024. As per the discussion, Vijay Ratre (IFS) informed that Part 1 of working plan is completed by FRI and part 2 will be completed in time frame of one month.

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Further, FRI has also submitted additional data request to DoFW.
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- It was recommended that FRI and DoFW would complete preparation of working plans at the earliest.

**[Action by: FRI & DoFW]**

In compliance of the directions of Hon'ble NGT, the chairman directed to schedule next meeting within one month after this meeting. Meeting ended with vote of thanks to the Chair and the Participants.

*This issues with the approval of the Competent Authority.*

*—Asabestip*

(Jabestin A., IFS)

Dy. Conservator of Forests(P&M)

**F.No. F1(2497)/Legal/HQ/20-21/Pt2/dcfpm2 Dated: 8.02.2024**

**To,**

1. PS to Director General Forests, MoEF&CC, Jal Wing, 4<sup>th</sup> Floor, MoEF&CC, Indira Paryavaran Bhawana, Jorbagh Road, New Delhi-110003.
2. PS to Addl. Director General of Forests, MoEF&CC, GOI, Jal Wing, 5th Floor, MoEF&CC, Indira Paryavaran Bhawana, Jorbagh Road, New Delhi-110003.
3. PS to Director General, Forest Survey of India, Kaulagarh Road, P.O, IPE Dehradun-248195.
4. PS to Commissioner of Police, Office of the Commissioner of Police, Delhi, Police Headquarters, Jai Singh Road, New Delhi



- 110001.
5. PS to Vice Chairman DDA, B Block, 1St Floor, Vikas Sadan, New Delhi-110073.
  6. PS to Additional Chief Secretary (Revenue) /Divisional Commissioner, 5- Sham Nath Marg, Prema Kunj, Civil Lines, Delhi, 110054
  7. PS to Principal Secretary (E&F), Govt. of NCT of Delhi, C-Wing, Delhi Secretariat.
  8. PS to APCCF/HoD, Department of Forests and Wildlife, Govt. of NCT of Delhi.
  9. CCF (A), Department of Forests and Wildlife, Govt. of NCT of Delhi
  10. The Head, Silviculture and Forest Management Division, Forest Research Institute, Dehradun-248006.
  11. Deputy Commissioner (South), South Delhi, M.B. Road, Saket, New Delhi-110068.
  12. Deputy Commissioner (New Delhi), New-Delhi, District Magistrate Office New Delhi, 12/1, Jam Nagar House, Sahajahan Road, New Delhi 110011.
  13. Deputy Commissioner (South-East), Old Gargi College Building, Lajpat Nagar-IV New Delhi -110024.
  14. Chief Engineer (I&FC), Zone-1 & Zone II, L.M. Bund Office Complex, Shastri Nagar, Delhi 110031.
  15. Forest Settlement Officer/ ADM(South/South West/HQ), GNCTD, M.B. Road, Saket, New Delhi-110068.
  16. Director (Admin/ Head of Office/ Law/ Rehabilitation/ Land/ Board/ BVK/ CS/ SUR/ Allotment), Delhi Urban Shelter Improvement Board, Punarwas Bhawan, I.P. Estate, New Delhi-110002
  17. DCF (P&M/South/West/Central), Department of Forests and Wildlife, Govt. of NCT of Delhi.

**Copy for information to:**

1. PPS to Chief Secretary, Delhi Secretariat, IP Estate, IP Estate, New Delhi.

*A. Jabestin*

(Jabestin A., IFS)

Dy. Conservator of Forests(P&M)

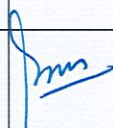
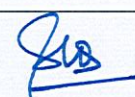
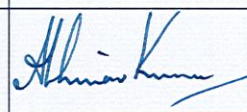
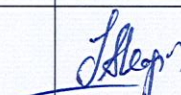




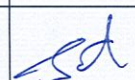
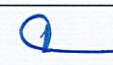




**Ministry of Environment, Forests & Climate Change**  
**Forest Protection Division**

**Annexure-A**

**8<sup>th</sup> OVERSIGHT COMMITTEE MEETING UNDER THE CHAIRMANSHIP OF DGF&SS ON 29.01.2024**  
**AT 01:00 PM**

**ATTENDANCE SHEET**

S. No.	Name	Designation	Email and Contact Number	Signature
1.	Reena Toppo	SDM (HQ) New Sechi Gith.	98108 38088 dcnd@nic.in	
2.	S.K. Singh	Deputy Director Forest Survey of India, Dehradun	9897297712. Shailendra.k.s@fsi.nic.in	
3.	ABHINAV KUMAR	DCF (West) DoFW, GNCTD	8974131911 dcfwest.gnctd@gov.in	
4.	J. B. Kpili	SDM (Katolji)	981099544	
5.	Saurabh Sharma	CF, GNCTD	9311810076, cf.gnctd@gov.in	
6.	P. Viswakannan	CCF, GNCTD	9434285144 ccf.gnctd@gov.in	
7.	Suresh Buxy	APCCF	9868948253	
8.	Ankur Chauhan	DCP/GOVT	9818099042	
9.	Ram Dulesh	Addl. DCP/SED	8750870903	
10.	Anir Aggarwal	ADM, South	9810322201	

S. No.	Name	Designation	Email and Contact Number	Signature
11.	Vipul Pandey	DCF (W)	dcfinestn@gmail.com	
12.	Mandeep Mittal	DCF (S)	dcfsouth.dellhi@gov.in	
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				

**Annexure – B**

The details of ridge forest land made free from encroachment is as given below:

<b>SL. No.</b>	<b>Village</b>	<b>Total encroachment identified as on 05.04.2019 (ha)</b>	<b>Encroachment left</b>	<b>Total encroachment removed from 2019 till date</b>	<b>Encroachment removed from 14.11.2023 (in ha) to till date</b>
1	Aaya Nagar	14.5	12.9	1.531	0
2	Chhattarpur	21.3	20.917	0.283	0
3	Nebsarai	22.29	14.28	8.2	0.16
4	Sahoorpur	20.07	15.41	4.51	0
5	Devli	38.16	37.866	0.004	0
6	Asola	56.91	42.18	14.29	1.92
7	Bhatti	40.27	38.19	1.77	0
8	Maidangarhi	6.67	3.77	2.85	0
9	Saidulajab	9.2	8.72	0.41	0
10	Satbari	15.3	10.19	5.02	0
11	Jaunapur	24.2	11.66	12.7	0
12	Deramandi	33.6	12.66	20.75	0
13	Tughlakabad	33.9	31.62	2.1	0
14	Pulpehladpur	20.7	20.17	0.42	0
15	Rajokri	18.05	14.04	3.87	0
16	Rangpuri	20.7	14.51	6.07	0

17	Mahipalpur	1.4	1.43	0	0
18	Ghitorni	1.39	1.39	1.29	0
	Total	398.61	311.903	86.068	2.08



**Annexure – C**

1. As per the records available with the Department of Forest & Wildlife, GNCTD, the details regarding ownership and management with respect to each notified ridge Reserve Forest are given below:

**a. NORTHERN RIDGE:**

<b>Ridge Managing Agency</b>	<b>Area(in Hectares)</b>
DDA	73Ha.
MCD	11Ha.
Forest	3Ha.
<b>Total</b>	<b>87Ha.</b>

**b. CENTRAL RIDGE**

<b>Ridge Managing Agency</b>	<b>Area(in Hectares)</b>
Forest Department	423 Ha.
Army(Signal Regiment)	202 Ha.
DDA	85Ha.
CPWD(Budha Jyanti & Bhagwan Mahavir Vanasthali)	37Ha.
NDMC (Talkatora Garden)	25Ha.
MHA	6Ha.
MCD	3Ha.
Northern Railways	11Ha.
Area allotted by L&DO	70Ha.
<b>Total</b>	<b>864 Ha.</b>

**c. SOUTH CENTRAL RIDGE**

<b>Ridge Managing Agency</b>	<b>Area(in Hectares)</b>
DDA	626 Ha.
Total	626Ha.

**d. SOUTHERNRIDGE**

<b>Ridge Managing Agency</b>	<b>Area(in Hectares)</b>
Forest Department, DDA, SAI	6200
Total	6200Ha.

- e.** The entire 7Ha of Nanankpura Ridge is under the management of DDA.



DEPARTMENT OF FORESTS & WILDLIFE  
GOVERNMENT OF NCT OF DELHI  
A-BLOCK, 2<sup>ND</sup> FLOOR, VIKAS BHAWAN  
I.P. ESTATE, NEW DELHI-110002

F1(2497)/Legal/HQ/2020-21/Part-2/dcfpm/216

Dated: 28.11.2023

To,

(As per list attached)

**Sub:** Applicability of the provisions of Forest Conservation Act(FCA), 1980-reg.

Sir/Madam

Your kind attention is invited towards the Section 2 of Forest (Conservation) Act, 1980 which restricts non-forestry use of forest land. The relevant portion of the FCA, 1980 is reproduced below:

**"2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.—Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, *except with the prior approval of the Central Government*, any order directing,—**

**(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;**

**(ii) that any forest land or any portion thereof may be used for any non-forest purpose; 1/(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;**

**(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation."**

Further, may kindly peruse judgment dated 21.07.2022 of Hon'ble Supreme Court of India in C.A.NO. 10294 OF 2013 which provides clarity over the concept of "forest land" or "forest" mentioned in above section. The relevant part of the judgment is reproduced below:

"38. Now, coming to the meaning of "forest" or "any forest land" covered by Section 2, this Court in 1997 Godavaraman's case<sup>1</sup> has explained the legal position. Paragraphs 3 and 4 of the said decision read thus:-

".....The term "forest land", occurring in Section 2, **will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership.** This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof...."

**Thus, according to the aforesaid decision, Section 2 applies to three categories of forests:**

**i. Statutorily recognized forests such as reserved or protected forests to which clause (i) of Section 2 is applicable;**

**ii. The forests as understood in accordance with dictionary sense and**

**iii. Any area recorded as a forest in Government records. So far as the first category of forests is concerned, it poses no difficulty as the forests under the said category covered by Clause (i) of Section 2 are statutorily recognized forests.**

39. It is the second category which poses some difficulty. As the object of Section 2 of the 1980 Forest Act is to ensure that only sustainable growth/development takes place on forest lands. The need for giving a wider meaning to "forest" or "forest land" contemplated by the 1980 Forest Act can be well understood and justified. Moreover, the object of the 1980 Forest Act is to prevent ecological imbalance resulting from deforestation. The provision is aimed at protecting inter-dependence between the right to development of an individual and the right to the natural environment of the public at large. The Legislature has used the words "any forest" in Clauses (ii) to (iv) of Section 2 after referring to the reserved forests in Clause (i) of Section 2. The intention is to bring all the forests, whether covered by the 1927 Forest Act or not, within the sweep of the 1980 Forest Act. A dictionary always contains the meaning of the words as they are understood by people for generations. It contains the meaning of a word which is already legitimized. Lexicographers include a word in the dictionary when it is used by many in the same way. Therefore, forest as understood by its dictionary meaning is covered by Section 2."



In continuation of above, your kind attention is drawn towards the affidavit dated 15.09.1997 of the then Conservator of Forests, GNCTD filed before Hon'ble Supreme Court of India in WPC No. 202/ 1997 enlisted forest areas across NCT of Delhi, which includes details of reserve forest, protected forest and deemed forest. The areas considered as deemed forest have already been communicated to your office by Department of Forest and Wildlife, GNCTD through letter dated 11.09.2023 **(copy enclosed)**.

The preliminary notification of Ridge Reserve Forest of Delhi under Section-4, Indian Forest Act (IFA) 1927 was done vide notification no. F.10(12)/I/PA/DCF/93/2012-17(1) dated 24.05.1994, F11(40)/PA/DCF/96(1) dated 19.03.1996 & F1(29)/PA/DC/95 dated 02.04.1996 and your kind attention is drawn to the fact that provisions of FCA, 1980 are applicable on the land notified under Section 4 of Indian Forest Act, 1927 which has been emphasized by the Hon'ble Supreme Court of India vide its order dated 07.05.2010 in WPC 202/1995. The relevant extract of the order is reproduced below:

*"We are of the view, that the aforesaid order was with reference to the **transitory period**, namely, from the date of the issuance of the notification under Section 4 of the Forest Act, till the culmination of the process of declaration under Section 20 of the Forest Act. We are of the view, that the afore-stated direction was inevitable, in view of the fact, that **in case an individual was desirous of using forest land for non-forest purposes, permission under Section 2 of the Forest (Conservation) Act, 1980 was imperative, and it is therefore, that even during the transitory period, it would be open to the Ministry of Environment and Forests, to approve a request for use of forest area for non-forest purposes, under Section 2 afore-mentioned.**"*

The protection of Ridge & forest, as per the provisions of Forest (Conservation) Act, 1980 and the relevant orders of the Hon'ble Supreme Court of India, is the responsibility of respective ridge managing agency.

In view of the above, if any non-forestry work is proposed in ridge/ reserve forest, it is mandatory for forest & ridge managing agency to obtain following permissions/approvals as per status of land mentioned below:

<b>Category 1: Part of ridge notified as Forest</b>	
<b>Step 1:</b>	Recommendation of Ridge Management Board
<b>Step 2:</b>	Recommendation of Central Empowered Committee
<b>Step 3:</b>	Approval of Hon'ble Supreme Court
<b>Step 4:</b>	Permission under Forest (Conservation) Act, 1980.
<b>Category 2: Part of ridge outside notified Forest</b>	
<b>Step 1:</b>	Recommendation of Ridge Management Board
<b>Step 2:</b>	Recommendation of Central Empowered Committee
<b>Step 3:</b>	Approval of Hon'ble Supreme Court
<b>Step 4:</b>	Permission under Forest (Conservation) Act, 1980/Delhi Tree Preservation Act, 1994 (as the case may be)
<b>Category 3: Other forest areas attracting provisions of FCA, 1980.</b>	
<b>Step 1:</b>	Permission under Forest (Conservation) Act, 1980.

In case of forest & ridge, the proposals must be submitted to Department of Forest & Wildlife, GNCTD through concerned Dy. Conservator of Forests.

In case any violation, under FCA, 1980 i.e., use of forest land for non-forestry purpose, is done by the ridge & reserve forest managing agency, action may be initiated as per the following provisions of FCA, 1980:

**“Section 3A. Penalty for contravention of the provisions of the Act**  
*— Whoever contravenes or abets the contravention or any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.*

**Section 3B. Offences by authorities and Government departments.—**

*(1) Where any offence under this Act has been committed—*

*(a) by any department of Government, the head of the department; or*

*(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:*

*Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.*

*(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of government or any authority referred to in clause (b) of sub-section (1) and*


*it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of, any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.]”*

This issue was also emphasized in the last meeting of Oversight Committee, constituted by the Hon'ble National Green Tribunal through its judgment dated 15.01.2021 in OA No. 58/2013 “Sonya Ghosh Vs. GNCTS & Ors.” under chairmanship of Director General of Forests & SS, Government of India, held on 14.11.2023. The Minutes of 7<sup>th</sup> Oversight Committee was shared via email dated 21.11.2023. (copy of email is enclosed)

In view of this, you are requested to sensitize all the concerned officers/ officials of your department/ organization with regard to the contents of this letter.

**This issues with the approval of competent authority.**

Yours faithfully

  
28/11/23

**(Saurabh Sharma, IFS)**  
**Conservator of Forests**

**To,**

1. The Commissioner of Police, Jai Singh Road, New Delhi-110001.
2. The Vice Chairman, Delhi Development Authority, B- Block, 1<sup>st</sup> Floor, Vikas Sadan, New Delhi-110073
3. The Commissioner, MCD Dr. S.P. Mukherjee Civic Center, JLN Marg, New Delhi-110002.
4. The Defence Estate Officer, Delhi Cantt. New Delhi-110010.
5. The Commissioner (Land), DDA, Vikas Sadan, New Delhi- 110023.
6. The Executive Engineer, CPWD, Bhagwan Mahavir Vanasthali Park Malcha Marg Delhi, Delhi
7. The Secretary, NDMC, Palika Kendra, Parliament Street, New Delhi- 110001
8. The Dy. Commissioner, North MCD, SPM CIVIC Centre, Minto Road New Delhi-110002



9. The Land and Development Officer, Ministry of Housing & Urban Affairs, Land & Development Office, Room no. 623-A Wing, Nirman Bhawan, New Delhi-110001.
10. The Deputy Director, SAI, Jawaharlal Nehru Stadium, Lodhi Road, Delhi, India.
11. Engineer in Chief & Head of Department, Irrigation and Water Resources Department, Government of Uttar Pradesh, Sinchai Bhawan, Cantt Road, Udaiganj, Lucknow - 226001
12. Chairman, NHAI, National Highways Authority of India, G 5&6, Sector-10, Dwarka, New Delhi - 110075.
13. CGM (SD, EMG & Ash Management), NTPC Limited, NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi - 110003.
14. The Chief Executive Officer, Delhi Cantonment Board, Delhi-110010.
15. The Pr. Chief Engineer Northern Railways, Baroda House, Delhi/ the Divisional Engineer (Hort.), Office of the Northern Railway Divisional Office, State Entry Road New Delhi.
16. JGM/ Land, DMRC, Metro Bhawan, 13, Fire Brigade Lane, Barakhmbha Road, Delhi-110001.
17. The Manager (Civil), HQ, DTC, Office of Sr. Manager (Civil), I.P. Estate, New Delhi-110002.
18. The CEO, Delhi Parks & Garden Society, 6th Floor, C-Wing, Delhi Secretariat, New Delhi.
19. The Superintending Engineer (Environment) DSIIDC, Technical Center Ground Floor Building Wazirpur Delhi-110052.
20. Director (HE), Directorate of Higher Education, BTE Complex, Muni Maya Ram Marg, Pitampura, Delhi-110034.
21. The Director, Education Department, Old Street, Delhi-110054.
22. The CEO/Director, DUSIB (Delhi Urban Shelter Improvement Board), ITO, New Delhi.
23. Dy. Director (Hort.) (North), PWD, 13<sup>th</sup> Floor, MSO Building, I.P Estate, New Delhi - 110002.
24. Director (Horticulture), Delhi Jal Board (HQ), Varunalaya Ph-II, Jhandewalan, Karol Bagh, New Delhi-110005.
25. The Director (Hort.), Environment Department, 11<sup>th</sup> Floor, MSO Building, I.P. Estate, New Delhi 110002.
26. The Director (Hort), NDMC, Palika Kendra, New Delhi-110001.


27. The Director (Hort), Central Public Works Department (C.P. W.D) New Delhi, I.P. Estate.
28. Chief Engineer (I&FC), Zone-I, L.M. Bund Office Complex, Shastri Nagar, Delhi-110031.
29. Chief Engineer (I&FC), Zone-II, L.M. Bund Office Complex, Shastri Nagar, Delhi-110031.
30. The DGM (CSR), NDPL, Distt. Office, T-Block, Mangol Puri, Delhi-110083.
31. The GM/ CSR, BSES Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi-110019.

**F1(2497)/Legal/HQ/2020-21/Part-2** /dcfpm /216

**Dated: 28.11.2023**

**Copy to(for kind information):**

1. PPS to DG Forest and Special Secretary, Ministry of Environment, Forest and Climate Change, GoI, Indira Paryavaran Bhawan Jorbagh Road New Delhi - 110 003
2. SO to Chief Secretary, Delhi Secretariat, IP Estate, New Delhi.
3. PPS to Pr. Secretary(E&F), GNCTD
4. PS to APCCF/HoD, Department of Forests and Wildlife, GNCTD.
5. PA to CCF(A), Department of Forests and Wildlife, GNCTD.
6. DCF(South), (West), (Central), (North), Department of Forests and Wildlife, GNCTD.

  
28/11/23  
**(Saurabh Sharma, IFS)**  
**Conservator of Forests**

ITEM NO.2

COURT NO.4

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 1164/2023

ASHOK KUMAR SHARMA, INDIAN FOREST  
SERVICE (RETD) & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

(IA No. 240922/2023 - STAY APPLICATION)

Date : 30-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr Prashanto Chandra Sen, Sr. Adv.  
Mr. Kaushik Choudhury, AOR  
Ms. Shibani Ghosh, Adv.  
Mr. Saksham Garg, Adv.  
Mr. Jyotirmoy Chatterjee, Adv.  
Ms. Khyati Jain, Adv.  
Ms. Akshata Chhabra, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Satyajit Sarna, Adv.  
Mr. Prashant Padmanabbhan, Adv.  
Ms. Rea Mehta, Adv.  
Mr. Rahul Kukreja, Adv.  
Mr. Vishal Sinha, Adv.

For Respondent(s) Mr. Balbir Singh, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Naman Tandon, Adv.  
Dr. Misha Kumar, Adv.  
Ms. Suhashini Sen, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NO.240922/23 IN W.P.(C) NO.1164/2023& W.P.(C) NO.1336/2023 @ DIARY NO.46970/2023

1. W.P.(C) No. 1336/2023 @ Diary No.46970/2023 is taken on Board.
2. Issue notice in W.P.(C) No. 1336/2023 @ Diary No.46970/2023.



UPON hearing the counsel the Court made the following  
O R D E R

I.A. NO.240922/23 IN W.P.(C) NO.1164/2023

& W.P.(C) NO.1336/2023 @ DIARY NO.46970/2023

1. W.P.(C) No. 1336/2023 @ Diary No.46970/2023 is taken on Board.
2. Issue notice in W.P.(C) No. 1336/2023 @ Diary No.46970/2023.

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3. It is the contention of the learned senior counsel for the petitioners that the Forest (Conservation) Amendment Act, 2023 has an effect of diluting the definition of forest as defined by this Court in the judgment of this Court passed on 12.12.1996 in T.N. Godavarman v. Union of India in W.P. (C) No.202/1995.

4. It is submitted that as per T.N. Godavarman judgment (supra) the forest as understood in accordance with the dictionary sense are also included in the definition of forest.

5. It is further submitted that Section 1A is likely to restrict the definition of forest and exclude the aforesaid category of forest, as understood in accordance with the dictionary sense, from the ambit of the Forest Conservation Act.

6. Shri Balbir Singh, learned Additional Solicitor General of India, on instructions, makes a statement that there is no intention to dilute the scope of forest as defined in the judgment of this Court in T.N. Godavarman (supra). He submits that the exemptions which will be granted under sub-section (2) of Section 1A would be in accordance with the guidelines that the Central Government would be notifying in accordance with sub-section (3) thereof. He submits that the guidelines are being finalized and would be notified in a short period. However, in order to address the concern of the petitioners, he makes a statement that no perceptative actions will be taken by the Union of India until further orders in respect of the forest, as understood in accordance with the dictionary sense.

7. Four weeks' time is granted for filing reply.

8. Rejoinder affidavit, if any, be filed within two weeks thereafter.

9. List after six weeks.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)

**Annexure – E**

The status of tatimma proceedings as informed to the committee is as given below:

S.No.	Village	No. of Khasras for which Tatimma is to be Done	Tatimma Process completed	Tatimma Process Initiated
1.	Asola	15	4	12
2.	Ayanagar	35	0	20
3.	Bhatti	41	12	31
4.	Chattarpur	4	0	4
5.	Devli	12	0	8
6.	Dera Mandi	24	0	8
7.	Maidangarhi	13	0	4
8.	Nebsarai	3	0	2
9.	Jonapur	25	0	6
10.	Rajpur Khurd	3	0	0
11.	Saidulajaib	3	0	0
12.	Sahoorpur	2	0	2
13.	Satbari	3	0	2

14.	Tughlakabad	24	0	24
15.	PulPehladpur	1	0	1
16.	Ghitorni	1	1	1
17.	Rajokri	5	0	0
18.	Rangpuri	25	0	24
	Total	<b>239</b>	<b>17</b>	<b>149</b>