

GOVERNMENT OF NCT DELHI
DEPARTMENT OF FOREST AND WILDLIFE
2ND FLOOR, A-BLOCK, VIKAS BHAWAN
I.P. ESTATE, DELHI-110002

F.No.F1(2497)/Legal/HQ/20-21/Pt2/Secy/leg/4

Date: 17.11.2023

**MINUTES OF THE SEVENTH MEETING OF OVERSIGHT COMMITTEE HELD ON
14.11.2023 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 pursuance 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 seventh meeting of the Oversight Committee was convened on 14.11.2023 at 5:00 PM under the chairmanship of Director General of Forests & Special Secretary, MoEF&CC, Govt. of India. List of participants is attached.

At the outset the PCCF & HoD, DoFW, GNCTD welcomed all the participants and a brief presentation on the present status of the various agenda points was given by DCF(South). Sequence of events showing steps taken by GNCTD for notification and protection of the ridge (Annexure A) were placed before the committee, the Chairman, Oversight Committee expressed strong displeasure over the pace of progress.

After threadbare discussion, the following decisions were taken 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 since the last meeting of Oversight Committee (held on 17.05.23) was placed before the committee as below:

SI No	Village	Total encroachment identified as on 05.04.2019 (ha)	Encroachment removed from 17.05.2023(in ha) to till date	Total encroachment removed from 2019 till date	Encroachment Left as on 14.11.23

9

1	Aaya Nagar	14.5	0.041	1.531	12.9
2	Chhattarpur	21.3	0	0.283	20.917
3	Nebsarai	22.29	0.2	7.88	14.44
4	Sahoorpur	20.07	0	4.51	15.41
5	Devli	38.16	0	0.004	37.866
6	Asola	56.91	0	12.37	44.1
7	Bhatti	40.27	0	1.77	38.19
8	Maidangarhi	6.67	0	2.85	3.77
9	Saidulajab	9.2	0	0.41	8.72
10	Satbari	15.3	0	5.02	10.19
11	Jaunapur	24.2	0.33	12.7	11.66
12	Deramandi	33.6	0	20.75	12.66
13	Tughlakabad	33.9	0	2.1	31.62
14	Pulpehladpur	20.7	0	0.42	20.17
15	Rajokri	18.05	0	3.87	14.04
16	Rangpuri	20.7	0	6.07	14.51
17	Mahipalpur	1.4	0	0	1.43
18	Ghitorni	1.39	0.89	1.29	1.39
	Total	398.61	1.46	83.828	314.782

- The committee observed that out of a total encroached land area of 398.61 ha, only 83.828 has been removed till date. The Chairman, Oversight

9

Committee expressed strong displeasure on the slow pace of progress of encroachment removal in the ridge area.

- The Chairman Oversight Committee directed the DMs and DCFs to intensify removal of encroachments in collaboration with respective DCPs in a time bound manner. The Chairman further directed that the final schedule of encroachment removal be prepared and circulated to all concerned before 28th November 2023. Further, updated status of the encroachment removed as per this schedule I be placed before the committee in the next meeting.

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

- It was decided that all concerned DMs shall nominate one officer from their district as Nodal Officer not below the rank of ADM, to coordinate with the respective DCFs in respect of matters pertaining to encroachment removal on ground. All communications in this respect should be marked to the Chairman Oversight Committee for information. Further, the DMs must ensure convening of District Task Force (DTF) meeting every fortnight which should be attended by senior officers from revenue, police and forest departments wherein they must take up encroachment removal in a time bound manner.

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

- The committee was informed about the direction of Hon'ble Minister (E&F), Govt. of NCT of Delhi regarding not carrying out any encroachment removal without submitting the detailed encroachment removal plan to Hon'ble Chief Minister, Delhi. The Minutes of the meeting containing the direction was provided to the committee. (Annexure - I). However, it was directed by the chairman that there is no such procedure in respect of encroachment removal from forest areas. DMs and DCFs should ensure removal of encroachments strictly as per the provisions of the Indian Forest Act 1927 and he relevant rules on case to case basis. **[Action by: DM (South, South East, South West, New Delhi) DCF (South, West)]**

Agenda 2: 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:

9

Division	Total no. of cases	No. of Cases Disposed	No. of cases pending
South Forest Division	77	40	37
West Forest Division	14	5	9

- The Chairman, Oversight Committee expressed strong displeasure on the working of Forest Settlement Officers (FSOs) and remarked that their approach so far has been very casual. Chairman further directed the FSOs should dispose of the pending cases in a time bound manner.
- The Chairman, Oversight Committee further directed that FSO should not admit any new cases without conforming with the conditions of time period as mentioned under the proclamation made under Section - 6 of the Indian Forest Act 1927 (IFA) with respect to the Ridge. Section - 6 of IFA reads as:
" Proclamation by Forest Settlement-officer.—When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighborhood of the land comprised therein, a proclamation—
(a) specifying, as nearly as possible, the situation and limits of the proposed forest;
(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and
(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof."
- The committee was informed that a letter had been written to the Divisional Commissioner by the PCCF on 03.01.2023 asking for a copy of the said proclamation (**Annexure - II**). The FSO was directed to provide a copy of the

proclamation to the DCFs, DMs and the Committee. Chairman, Oversight Committee expressed disbelief over the fact that the Forest Department does not have a copy of the proclamation issued by FSO.

- The committee directed the DCFs to pursue the cases pending before the FSO and First Appellate Authority diligently. Further, DCFs were also directed to properly brief the FSO about the provisions of the IFA and the limitations on admitting new cases of settlement as per proclamation issued under Section 6 of Indian Forest Act 1927 (IFA).

[Action by: DCF (South, West), FSO]

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

Division	Total no. of appeals against FSO orders pending before First Appellate authority as on 14.11.23
South Forest Division	35 (Affecting approx 113.36 ha of Forest land)
West Forest Division	7 (Affecting approx 5.88 ha of Forest Land)

- The chairman expressed strong displeasure on the status of pendency of cases before the First Appellate Authority (FAA) and directed that in light of the orders of the Hon'ble Delhi High Court, the same needs to be expedited.
- The chairman further directed that a monthly review of the pending cases before the FAA and the FSO should be done by the Divisional Commissioner to dispose of them in a time bound manner. A record of proceedings of all such meetings be marked to the Chairman, Oversight Committee .

[Action by: Divisional Commissioner]

- The list of cases pending before the FSO and list of appeals pending before the Divisional Commissioner, including the details of the period of pendency of each case, were provided to the Committee (**Annexure - III**). APCCF Delhi should bring to the notice of the Chief Secretary, Delhi the pendency of the cases within next one week under information to the Chairman, Oversight Committee .

Agenda 3: Status of tattima proceedings

- The committee was informed about cases of pending Tatimma, which is a kind of mutation deed and pertains to division of khasras between multiple parties.
- The status of tattima proceedings as informed to the committee is as below:

Sl No	Village	No. of Khasras for which Tatimma is to be Done	Tatimma Process completed	Tatimma Process Initiated	Tatimma not yet initiated
1	Asola	15	4	8	3
2	Ayanagar	35	0	20	15
3	Bhatti	41	12	19	10
4	Chattarpur	4	0	4	0
5	Devli	12	0	8	4
6	Dera Mandi	24	0	8	16
7	Maidangarhi	13	0	4	9

9

8	Nebsarai	3	0	2	1
9	Jonapur	25	0	6	19
10	Rajpur Khurd	3	0	0	3

11	Saidulajaib	3	0	0	3
12	Sahoorpur	2	0	2	0
13	Satbari	3	0	2	1
14	Tughlakabad	24	0	24	0
15	Pul Pehladpur	1	0	1	0
16	Ghitorni	1	1	0	0
17	Rajokri	5	0	1	4
18	Rangpuri	25	0	18	7
Total		239	17	125	97

- 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 125 khasras. The chairman directed that the process of issue of notices for all 239 khasras should be completed immediately. Further, the Revenue Department was directed to complete the tattima proceedings within the next 30 days by holding regular hearings.

9

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

Agenda 4: Status of boundary wall construction

- The committee was informed that since the last meeting of the Oversight Committee dated 17.05.23, a total of 797 metres of boundary wall has been constructed in 6 villages of Southern Ridge.
- The committee was further informed that a total length of 20 km has been identified on the ground where the boundary wall shall be constructed.
- The Chairman directed DCF (South) to expedite the construction of the boundary wall. **[Action by: DCF (South)]**

Agenda 5: Issues pending with DUSIB regarding rehabilitation of colonies

- Pr. Director DUSIB provided the committee with all relevant acts, rules and orders with respect to rehabilitation of colonies in NCT of Delhi.
- The Principal Director of DUSIB informed the committee that the rehabilitation of colonies is regulated by the DUSIB Act 2010 along with various other judgments of the Hon'ble Delhi High Court and the Hon'ble Supreme Court.
- The committee was informed that DoFW, GNCTD has sought the views of the Law Department, GNCTD regarding clarification of the role of DUSIB in rehabilitation of people affected by encroachment removal in forest areas and was presented in the last meeting of the oversight committee.
- Pr. Director DUSIB was directed that no rehabilitation of illegal encroachers can take place in forest areas. He was also informed that encroachment removal from forest areas cannot be delayed on the grounds of requirement of rehabilitation of illegal encroachers and DUSIB should cooperate with Forest Department in all encroachment removal activities. **[Action: DUSIB]**

Agenda 6: Status of notification under Section-20 of Indian Forest Act 1927 (IFA)

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

9

Ridge and Northern Ridge. The chairman expressed strong displeasure on the slow pace of the process of notification and directed DoFW to expedite the same in a time bound manner.

- The committee was informed that the file for final notification under Section 20 of IFA 1927 in respect of Southern Ridge under Phase-I, comprising all encumbrance free lands, is being submitted for seeking approval of Hon'ble LG, Delhi. Subsequently, final notification under Section 20 of IFA 1927 in respect of all other lands, excluding those pending before FSO and First Appellate Authority for settlement of rights, shall be processed under Phase-II. The committee directed PCCF Delhi to expedite the process.

[Action by: DoFW]

- The committee was informed that the South-Central Ridge lies in the jurisdiction of the Delhi Development Authority (DDA) and communication has been sent by DCF(South) to DDA to verify the khasra details of South-Central Ridge as obtained from GSDL. The chairman directed that a copy of the said communication be shared with the committee.

[Action by: DCF(South)]

- The chairman directed to expedite the process for final notification of Central Ridge and Northern Ridge as well as per the boundary description in the notification of 1994 and orders of FSO.

[Action by: DoFW]

- It was re-iterated by the committee 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. (Copy of Hon'ble SC Judgement in the case T. N. Godavarma Vs. Uol & Ors. attached as **Annexure - IV**)

[Action by: DCF(West, South, Central)]

- The responsibility of protection of the ridge rests with the respective agencies under whose jurisdiction the ridge lies. Each such agency must ensure that no violation of IFA 1927 and FCA 1980 occurs within their jurisdiction.

[Action by: All ridge owning agencies]

- The chairman assured that such activities fall under violation of Sections 3A and 3B of FCA. The sections reads as:

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

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."

- The chairman further mentioned that as per the recent order of MoEF&CC dated 15.05.2023 regarding FCA (**Annexure - V**), DFO/DCF concerned has the power to book offence cases under the Act and directed the concerned DCFs to book the same wherever an offence under the Act has been committed.

[Action by: DCF(South, West, Central)]

9

- The committee was also apprised about FCA violations in Mehrauli and other areas which fall under the ridge land RF notified under Section - 4 notification of IFA.

[Action by: DoFW]

- The chairman directed the DDA to ensure that any violation of FCA does not occur in the land of South-Central Ridge under their possession.

[Action by: Vice-Chairman, DDA]

- It was also directed that the orders of Bhurelal Committee should be studied with respect to South-Central ridge and necessary action may be initiated.

[Action by: DCF(South)]

- All development/regulating agencies including Police, DDA & MCD providing approval for building plans or starting a commercial activity should be sensitized to provisions of FCA, 1980 and direction of Hon'ble Supreme Court. Conservator of Forests Delhi was directed by the Chairman to write a DO letter to all land owning agencies apprising them of the fact that giving permissions for the non forestry activity in notified forest areas under their control, is in violation of the provisions of Forest Conservation Act(FCA), 1980 and in such cases they are liable for Prosecution under section 3A and 3B of FCA, 1980. The DO letter is to be written before 28th November 2023

[Action : CF]

Agenda 7: Status of cases where stay has been given by various courts

- The committee was provided the detailed list of cases pending at the level of District courts and the Delhi High court (**Annexure - VI**), wherein stay has been granted by the courts.
- The chairman directed the DoFW to 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 8: Issues related to shifting of 63 institutions from Central Ridge as per order of Hon'ble SC dated 03.01.1996

- The details of the 63 institutions located in the Central Ridge are as under:


S.No	Type of Institution	No. of Institutions
1.	Schools	14
2.	Colleges	1
3.	Playground	7
4.	Petrol pumps	12
5.	Govt. Agencies	10
6.	Institutions	5
7.	Essential	6
8.	Parks	5
9.	Religious	3
	Total	63

- The committee was informed that a few of these 63 institutions have been granted rights/allotment by the Hon'ble SC as per the order/report of the FSO in the matter. The chairman directed to check and verify the ground situation for each institution as per the Hon'ble SC's orders.
- The committee was further informed that ground verification of the area occupied by the institutions on ground and actual land use by them is being done by DCF(West). The committee noted that the present day land use by various entities must conform to the purpose for which the same has been provided to them. It was further directed that the cases where land use is different from the use permitted as per Hon'ble SC order, the same should be

11. Deputy Commissioner (South-East), Old Gargi College Building, Lajpat Nagar-IV, New Delhi-110024
12. Chief Engineer (I&FC), Zone-1 & Zone II, L.M Bund Office Complex, Shastri Nagar, Delhi-110031
13. Forest Settlement Officer, Revenue Department (South), GNCTD, M.B. Road, Saket, New Delhi-110068
14. Additional Chief Secretary (Revenue) / Divisional Commissioner, 5-Sham Nath Marg, Prema Kunj, Civil Lines, Delhi-110054
15. 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
16. APCCF(CWLW), Department of Forests and Wildlife, Govt.of NCT of Delhi
17. CCF (A), Department of Forests and Wildlife, Govt.of NCT of Delhi
18. CF, Department of Forests and Wildlife, Govt.of NCT of Delhi
19. DCF (S), Department of Forests and Wildlife, Govt.of NCT of Delhi
20. DCF (W), Department of Forests and Wildlife, Govt.of NCT of Delhi
21. DCF (N), Department of Forests and Wildlife, Govt.of NCT of Delhi
22. DCF (C), Department of Forests and Wildlife, Govt.of NCT of Delhi

Copy for information to:

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


17/11/23
Mandeep Mittal, IFS
DCF (South)

reported as a violation of FCA. This report should be placed before the committee in the next meeting. [Action by: DCF(West)]

Additional Agenda : Status of Working Plan for Delhi

The chairman expressed his displeasure at the slow pace of progress of the preparation of the working plan for Delhi and instructed FRI and DoFW to complete the same at the earliest.

The meeting ended with thanks to the chair.



Mandeep Mittal, IFS
DCF (South)

To,

1. PS to Director General Forest, MoEFCC, Jal Wing, 4th Floor, MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi- 110003
2. PS to Addl. Director General of Forest (FC), MoEFCC, Jal Wing, 4th Floor, MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi- 110003
3. PS to Commissioner of Police, Office of the Commissioner of Police, Delhi, Police Headquarters, Jai Singh Road, New Delhi- 110001
4. PS to Vice Chairman DDA, B Block, 1st Floor, Vikas Sadan, New Delhi – 110073
5. PS to Pr. Secretary/Secretary (Revenue), Govt. of NCT of Delhi, Office of the Divisional Commissioner, Revenue Department (HQ), GNCTD, 5 Sham Nath Marg, Delhi-110054
6. PS to Pr. Secretary/Secretary (E&F), Govt. of NCT of Delhi, C-Wing, Delhi Secretariat
7. PS to Director General (Forest), Forest Survey of India, Kaulgarh Road, P.O, IPE Dehradun – 248195
8. The Head Silviculture and Forest Management Division, Forest Research Institute, Dehradun-248006
9. Deputy Commissioner (South), South Delhi, M.B. Road, Saket, New Delhi- 110068
10. Deputy Commissioner (New Delhi), New Delhi, District Magistrate Office, New Delhi, 12/1, Jam Nagar House, Sahajahan Road, New Delhi-110011