

भारत सरकार  
Government of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest and Climate Change  
राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण  
National Tiger Conservation Authority

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F.No. 12-12/2015-NTCA

New Delhi, the February 11, 2019

To,  
The Chief Wildlife Warden(s)  
All Tiger Range States

Sub.: Order of the Hon'ble Supreme Court dated 28.01.2019 in I.A. No. 3924/2015 in WP (Civil) 202/1995 regarding changing status of forest land in context of voluntary village relocation.

Madam/Sir,

Reference is invited to the subject & order cited above. In this context, I am directed to inform that the Hon'ble Apex Court in I.A. 1658 in WP (C) 202/1995 permitted the Ministry of Environment, Forest and Climate Change to change the legal status of forest land to revenue under the Forest (Conservation) Act, 1980 for relocation of Kolsa, Botezari and Palasgaon (Single) villages from the Tadoba Andhari Tiger Reserve vide their order dated 21.11.2008.

2. Consequently, the MoEF & CC vide their letter no. 5-3/2007-FC dated 8.9.2009 conveyed approval of the Central Government for changing the legal status of forest land with retrospective effect covering all such cases of diversion of forest land, diverted under Forest (Conservation) Act, 1980, for relocation/rehabilitation of villages from National Parks/Wildlife Sanctuaries/Tiger Reserves from "forest land" to "revenue land".

3. However, the FC Division of the MoEF & CC had referred the matter to this Authority as the aforesaid order named only 3 villages of the Tadoba-Andhari Tiger Reserve, which rendered it unsuitable for blanket implementation, and deemed their aforesaid letter void.

4. This Authority sought comments of the Ministry of Law and Justice which advised to file a Clarificatory Application before the Apex Court in the matter, which this Authority duly did vide letter of even no. dated 8.10.2015, which was registered as I.A. 3924 of 2015 in WP(C) 202/1995.

This Authority had prayed the Hon'ble Apex Court to clarify its order dated 21.11.2008 in IA No. 1658 in W.P. (C) No. 202 of 1995 permitting **change in legal status of forest land approved under the FC Act, 1980 to revenue land in all such relocation/rehabilitation cases from critical tiger habitats and core areas of Protected Areas (National Parks and Wildlife Sanctuaries).**

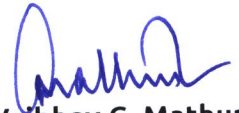
5. The Hon'ble Apex Court referred the matter to the Central Empowered Committee (CEC) who filed their report no. 50/2018 dated 26.12.2018 (enclosed) based on which the Hon'ble Court passed order dated 28.01.2019 in I.A. 3924 of 2015 (enclosed) which is reproduced verbatim as below :

***"Report No. 50 of 2018 of the CEC dated 26.12.2018 is accepted since it is not objected by the National Tiger Conservation Authority (NTCA). The Application is disposed of".***

भारत सरकार  
Government of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest and Climate Change  
राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण  
National Tiger Conservation Authority  
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6. Hence, in all cases of voluntary village rehabilitation carried out from core/critical tiger habitats of Tiger Reserves, National Parks and Wildlife Sanctuaries, on notified forest land, it may be ensured that a proposal for change in legal status should also be furnished concomitantly so that rehabilitated people may avail benefit of welfare schemes/amenities unhindered.

Yours faithfully,



(Dr. Vaibhav C. Mathur)  
Assistant Inspector General (NTCA)  
Email: [aig3-ntca@nic.in](mailto:aig3-ntca@nic.in)  
Tel. (EPABX): + 91 11 24364837-39  
FAX: +91 11 24367836

Encl. As above

**F.No. 12-12/2015-NTCA**

Copy to:

1. All Field Director(s).
2. PPS to Secretary, EF &CC
3. PPS to DGF & SS
4. PPS to ADG (FC)
5. PPS to ADG (Wildlife)
6. All Regional Offices of the NTCA
7. All Regional Offices of the MoEF&CC



(Dr. Vaibhav C. Mathur)  
Assistant Inspector General (NTCA)

## CENTRAL EMPOWERED COMMITTEE

REPORT OF THE CEC IN IA NO. 3924 OF 2015 IN IA NO. 1658 IN WRIT PETITION (CIVIL) NO. 202 OF 1995 FILED BY THE GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MOEF&CC) THROUGH THE NATIONAL TIGER CONSERVATION AUTHORITY SEEKING CLARIFICATION OF THE ORDER DATED 21.11.2008 OF THE HON'BLE SUPREME COURT PERMITTING CHANGE IN LEGAL STATUS OF FOREST LAND APPROVED UNDER THE FOREST (CONSERVATION) ACT, 1980 TO REVENUE LAND IN RELOCATION/REHABILITATION CASES FROM CRITICAL TIGER HABITATS AND CORE AREAS OF PROTECTED AREAS (NATIONAL PARKS AND WILDLIFE SANCTUARIES)

The Assistant Inspector General, National Tiger Conservation Authority (NTCA) has filed IA No. 3924 of 2015 in IA No. 1658 in WP (C) No. 202 of 1995 before this Hon'ble Court with the following prayer:

- (a) Clarify its order dated 21.11.2008 in IA No. 1658 in W.P. (C) No. 202 of 1995 permitting change in legal status of forest land approved under the FC Act, 1980 to revenue land in all such relocation/rehabilitation cases from Critical tiger habitats and core areas of Protected Areas (National Parks and Wildlife Sanctuaries) and

(b) Pass such other order and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. This Hon'ble Court in the above IA has vide its order dated 03.08.2018 directed the CEC to file its Report within six weeks. This Report is being filed after hearing the officials of the MoEF&CC and the Member Secretary, National Tiger Conservation Authority (NTCA) in a meeting taken by CEC on 26<sup>th</sup> September, 2018 and after going through the records made available to the CEC.

3. Earlier the CEC has filed its Report dated 28.9.2008 before this Hon'ble Court on an Application filed before it by the Member Secretary, Tiger Conservation Authority seeking permission of this Hon'ble Court for change in the legal status of the forest land approved under FC Act by MoEF&CC to revenue land for rehabilitation of villagers of three villages namely, Kosla, Botezari and Patasgaon in Andhari Wildlife Sanctuary in District Chandrapur, Maharashtra. The CEC has in its above Report recommended modification of the following order dated 13.11.2000 of this Hon'ble Court in Writ Petition

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(Civil) No. 337 of 1995 pending further orders, no de-reservation of forests / Sanctuaries / National Parks shall be affected.

4. After considering the Report dated 28.9.2006 of the CEC this Hon'ble Court by order dated 21.11.2008 permitted MoEF&CC to change the legal status of the forest land approved under the FC Act, 1980 for relocation of the three villages for the purpose of extending the boundary and for rehabilitation of the tribal people residing therein.

5. Pursuant to the above order dated 21.11.2008 of this Hon'ble Court MoEF&CC vide letter dated 8.9.2009 conveyed approval of the Central Government for changing legal status of the forest land to revenue land with retrospective effect covering all such cases of diversion of forest land diverted under FC Act, 1980 for relocation / rehabilitation of villages from National Parks / Wildlife Sanctuaries / Tiger Reserves. (Annexure A-4 of IA No. 3924 of 2015). While the order dated 21.11.2008 of this Hon'ble Court is specific to the relocation of the three villages in Andhari Wildlife Sanctuary in District Chandrapur, Maharashtra the letter dated 8.9.2009 of

MeEF&QC has conveyed the general approval for changing the legal status of forest land diverted under FC Act, 1960 for relocation of villages in respect of all such cases from the Sanctuaries and National Parks.

6. It has been stated by NTCA that as per the records available with them pertaining to the 18 States so far 177 villages (out of the 751 identified villages) have been relocated from core / critical tiger reserves as per provisions in Section 38 V(5) of Wildlife (Protection) Act, 1972. Further out of 177 villages as many as 122 villages have been rehabilitated on forest land. However only in 42 cases out of 122 cases the forest land has been de-notified. The remaining 55 villages out of 177 have been rehabilitated on revenue land. A copy of the letter dated 20.12.2018 received from NTCA is enclosed as ANNEXURE R-1 to this Report.

7. The Applicant, NTCA, has prayed to extend the exception to the directions in the order dated 15.11.2000 granted in the order dated 21.11.2008 in IA No. 1658 in Writ Petition (Civil) No. 202 of 1995 to all such cases of voluntary village relocation / rehabilitation from core critical tiger habitats.

and core areas of Protected Areas (National Parks and Wildlife Sanctuaries) to the periphery of forest land being undertaken as per provisions in Section 38 of Wildlife Protection Act, 1972.

The prayer has been made on the following grounds:

- i) Section 38 V (5) Wildlife (Protection) Act, 1972 has outlined the procedure for voluntary village relocation from core/critical tiger habitat areas of tiger reserves which has been operationalised through the NTCA;
- ii) retention of the legal status of the relocated forest land as forest deprives of developmental benefits to the relocated families who are mainly tribals and which is working counterproductive to voluntary relocation as well as protection and conservation of the wildlife;
- iii) a total of 751 villages have been identified in notified / core / critical tiger habitats for relocation out of which only 177 villages have so far been relocated. The change in legal status of the relocated land to revenue will encourage the villagers to come forward for voluntary relocation;
- iv) the change in status of the relocated land from forest to revenue fosters several on-going

developmental activities in the relocated areas which is precluded if status remains that of forest land.

v) relocation of the villages from the core of the protected areas and the tiger reserves helps in conservation of the natural resources and will result in significant improvement in the ecological function of National Parks / Wildlife Sanctuaries.

8. The CEC after detailed deliberation with the officials of the MoEF&CC and the NTCA is of the considered view that the order dated 21.11.2008 of this Hon'ble Court in I.A. No. 4658 in WP (C) 202 of 1995 may be extended to all such cases of relocation / rehabilitation of the villages from the core/critical tiger reserves and core of the protected areas (National Parks and Sanctuaries) to the periphery of Reserve Forest / Sanctuaries / National Parks subject to the following conditions:

- i) resettlement / relocation within the boundaries of the notified forest land be considered only if suitable non-forest land is not available within the




- vicinity of the protected area from where the relocation is proposed.
- ii) the District Collector concerned shall furnish to the NTCA a certificate of non-availability of land suitable for relocation of the villages located within the protected area and tiger reserves before any proposal of relocation within the forest is approved.
  - iii) the land identified for relocation / rehabilitation should not result in fragmentation of the forest / wildlife habitat.
  - iv) the relocation activity shall be undertaken solely as a process of consolidation of the wildlife habitat.
  - v) the relocation shall be undertaken only along the fringes of the forest such that all facilities to the resettled families can be provided without recourse to further diversion of forest land for providing infrastructure.
  - vi) the land / villages within the forest which have been vacated shall be brought under the protected area network through enabling notification under

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the Wildlife Protection Act after extinguishing all the existing rights over the vacated land;

- vii) the extent of land de-reserved / de-notified for resettlement shall not be more than the extent vacated by the settlers in the core area; and
- viii) the payment of NPV and cost of CA may be exempted in all such cases of voluntary relocation / rehabilitation of families from the protected areas undertaken within the forest land;

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

  
(Amarnatha Shetty)  
Member Secretary

Dated : 26<sup>th</sup> December, 2018

REVISED

ITEM NO.303

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. &amp; ORS.

Respondent(s)

("ONLY"[ 1 ]INTERLOCUTORY APPLICATION NO. 153299/2018[APPLICATION FOR DIRECTIONS] IN RE :ALLOTMENT OF RESIDENTIAL ACCOMMODATION TO SHRI AMARNATHA SHETTY, MEMBER SECRETARY, CECAND[ 2 ]INTERLOCUTORY APPLICATION NO. 166530/2018[APPLICATION FOR PERMISSION] IN RE : [CEC REPORT NO. 46 OF 2018 - REPORT OF CEC IN APPLN. NO. 1427/2018FILED BEFORE IT BY POWER GRID CORPORATION OF INDIA LTD.]IN RE : POWER GRID CORPORATION LTD.AND[ 3 ]INTERLOCUTORY APPLICATION NO. 111489/2018[REPORT NO. 32 OF 2018 OF CEC IN APPLN. NO. 1421 OF 2018 FILED BEFORE IT BY MINISTRY OF DEFENCE, UNION OF INDIA]IN RE : MINISTRY OF DEFENCE, UNION OF INDIAAND[ 4 ][ i ] IN RE : STATUS OF FUNDSAND[ ii ] INTERLOCUTORY APPLICATION NO. 135724/2017[APPLICATION FOR DIRECTIONS]IN RE :COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDSWITH[ iii ] INTERLOCUTORY APPLICATION NOS. 3922-3923[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]WITH[ iv ] INTERLOCUTORY APPLICATION NO. 5891/2019[APPLICATION FOR DIRECTIONS]AND[ 5 ]INTERLOCUTORY APPLICATION NO. 3924[APPLICATION FOR CLARIFICATION OF ORDER DATED 21.11.2008]IN RE : NATIONAL TIGER CONSERVATION AUTHORITYAND[ 6 ] INTERLOCUTORY APPLICATION NO. 3949[APPLICATIONS FOR DIRECTIONS]IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS"ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 28.01.2019 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As.MR. HARISH N. SALVE, SR. ADV. [A.C.],MR. A.D.N. RAO, ADVOCATE [A.C.],MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.]MS. APARAJITA SINGH, ADVOCATE [A.C.], MR. G.S. MAKKER,ANDFOR S.NO. [ 1 ]MR. A.D.N. RAO, ADVOCATE (A.C.)MR. G.S. MAKKERFOR S.NO. [ 2 ]MR. G. S. MAKKER FOR S.NO. [ 3 ]MR. M.K. MARORIAFOR S.NO. [ 4 ] [ i to iv]MR. G.S. MAKKER, MR. RANJAN MUKHERJEE, MR. SHIBASHISH MISHRA, MR. R.S. JENA, FOR S.NO. [ 5 ]MR. G.S. MAKKERFOR S.NO. [ 6 ]MR. MOHIT PAUL, MR. NISHANT R. KATNESHWARKAR, MR. G.S. MAKKER, MR. KUNAL CHEEMA, KHAITAN AND CO.)

Signature Certified  
Digitally Signed by  
JAYANT KUMAR ARORA  
Date: 2019.02.01  
14:40:40 IST  
Reason:

Date : 28-01-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE DEEPAK GUPTA

**Counsel for the parties**

Mr. Tushar Mehta, Solicitor General  
Mr. A.N.S. Nadkarni, ASG  
Mr. R. Balasubramaniam, Adv.  
Mr. Sachin Sharma, Adv.  
Mrs. G. Indira, Adv.  
Mr. A. K. Sharma, Adv.  
Ms. Swati Ghildiyal, Adv.  
Mr. D. L. Chidananda, Adv.  
Mr. Ritesh Kumar, Adv.  
Mr. Wasim Qadri, Adv.  
Mrs. Subhasini Sen, Adv.  
Mr. Raj Bahadur, Adv.  
Ms. Shraddha Deshmukh, Adv.  
Mr. G. S. Makker, Adv.  
Mr. Mrinal Mandal, Adv.  
Mr. Vikas Bansal, Adv.  
Mr. Kamalendra Mishra, Adv.

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Mohit Paul, Adv.  
Mr. Ayush Agrawal, Adv.  
Mr. Vikrant Singh Bloria, Adv.  
Mr. Obhirup Ghosh, Adv.  
Mr. Rishi Raj Sharma, Adv.  
Ms. Somya Singh, Adv.

Mr. Somesh Chandra Jha, Adv.

Mr. G. Prakash, Adv.  
Mr. Jishnu M. L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.

Mr. Ranjan Mukherjee, Adv.  
Mr. K. V. Kharlyngdoh, Adv.  
Mr. Upendra Mishra, Adv.

Mr. Deepa M. Kulkarni, Adv.  
Mr. Nishant R. Katneshwarkar, Adv.

Mrs. Hemantika Wahi, Adv.  
Ms. Jesal Wahi, Adv.  
Ms. Vishakha, Adv.  
Ms. Parul Luthra, Adv.

Mr. Bhavanishankar V. Gidnis, Adv.  
Mr. G. S. Makkar, Adv.

Mr. Mudit Makhijani, Adv.  
Mr. Pragyan Sharma, Adv.

Mr. Shikhar Garg, Adv.  
Mr. P. V. Yogeswaran, Adv.

Mr. Chirag M. Shroff, Adv.  
Ms. Neha Sangwan, Adv.

Dr. Monika Gusain, Adv.

By Courts Motion, AOR  
M/S. Lawyer S Knit & Co, AOR  
M/S. Mitter & Mitter Co., AOR  
Mr. T. Harish Kumar, AOR  
Mr. Syed Mehdi Imam, AOR  
M/S. Plr Chambers And Co., AOR  
Mr. Chanchal Kumar Ganguli, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Raj Kishor Choudhary, AOR  
Mr. M. Yogesh Kanna, AOR  
Mrs. Anil Katiyar, AOR  
Ms. Hemantika Wahi, AOR  
Mrs. Rekha Pandey, AOR  
Mr. B V Deepak, AOR  
Ms. K. V. Bharathi Upadhyaya, AOR  
Ms. Charu Mathur, AOR  
Mrs. Manik Karanjawala, AOR  
Mrs. B. Sunita Rao, AOR  
Ms. Rachana Srivastava, AOR  
Mr. Alok Shukla, AOR  
M/S. Fox Mandal & Co., AOR  
Mr. V. G. Pragasam, AOR  
Ms. Anitha Shenoy, AOR  
Ms. Sharmila Upadhyay, AOR  
Ms. Pratibha Jain, AOR  
Mr. Rakesh K. Sharma, AOR  
Mr. T. Mahipal, AOR  
Mr. Ashok Mathur, AOR  
Mr. R. D. Upadhyay, AOR  
Mr. K. V. Vijayakumar, AOR  
Mr. Shibashish Misra, AOR  
Mrs. Bina Gupta, AOR  
Mr. Pradeep Kumar Bakshi, AOR  
Mr. Mohd. Irshad Hanif, AOR  
Mr. D. N. Goburdhan, AOR  
Mr. Gopal Singh, AOR  
Mr. T. N. Singh, AOR  
Mr. Rajiv Mehta, AOR  
Mr. A. Venayagam Balan, AOR  
Mr. M. C. Dhingra, AOR  
Mr. D. M. Nargolkar, AOR  
Mr. Kamal Mohan Gupta, AOR  
Mr. Rajeev Singh, AOR  
Mr. Tejaswi Kumar Pradhan, AOR

Mr. M. A. Krishna Moorthy, AOR  
Ms. S. Janani, AOR  
Mr. Rajat Joseph, AOR  
Mr. P. N. Gupta, AOR  
Mr. Umesh Bhagwat, AOR  
M/S. Parekh & Co., AOR  
Mrs. Rani Chhabra, AOR  
Mr. K. L. Janjani, AOR  
Mr. P. V. Yogeswaran, AOR  
Mr. Avijit Bhattacharjee, AOR  
Mr. Sudhir Kumar Gupta, AOR  
Mr. Punit Dutt Tyagi, AOR  
Mr. T. V. George, AOR  
Mr. C. L. Sahu, AOR  
Mr. Ejaz Maqbool, AOR  
Mr. Sudarsh Menon, AOR  
Mr. Prashant Kumar, AOR  
Mrs. Kanchan Kaur Dhodi, AOR  
Mr. K. J. John, AOR  
M/S. Arputham Aruna And Co, AOR  
Mr. Gopal Prasad, AOR  
Mr. Sarad Kumar Singhania, AOR  
Mr. G. N. Reddy, AOR  
Mrs. M. Qamaruddin, AOR  
Mr. Shakil Ahmed Syed, AOR  
M/S. K J John And Co, AOR  
Ms. Divya Roy, AOR  
Mr. Naresh K. Sharma, AOR  
Mr. Jitendra Mohan Sharma, AOR  
Mr. A. N. Arora, AOR  
Mr. Rathin Das, AOR  
Mr. Krishnanand Pandeya, AOR  
Ms. Sumita Hazarika, AOR  
Mr. Anis Ahmed Khan, AOR  
Mr. Rajesh, AOR  
Mr. Ramesh Babu M. R., AOR  
Mr. Dharmendra Kumar Sinha, AOR  
Mr. Bharat Sangal, AOR  
Mr. Surya Kant, AOR  
Mrs. Nandini Gore, AOR  
Ms. Jyoti Mendiratta, AOR  
Mr. E. C. Agrawala, AOR  
Mr. H. S. Parihar, AOR  
Mr. V. Balachandran, AOR  
Mr. Tarun Johri, AOR  
Ms. A. Sumathi, AOR  
Ms. Malini Poduval, AOR  
Mr. Irshad Ahmad, AOR  
Mr. Ratan Kumar Choudhuri, AOR  
Mr. Neeraj Shekhar, AOR  
Mr. Anoop Kr. Srivastav, AOR  
Mr. M. P. Shorawala, AOR  
Ms. Abha R. Sharma, AOR

M/S. Corporate Law Group, AOR  
Mr. Vikrant Singh Bais, AOR  
Mr. P. Parmeswaran, AOR  
Mr. E. C. Vidya Sagar, AOR  
Mr. Anip Sachthey, AOR  
Mr. Raj Kumar Mehta, AOR  
Mr. S.. Udaya Kumar Sagar, AOR  
Mr. Kuldip Singh, AOR  
Ms. Baby Krishnan, AOR  
Mr. S. C. Birla, AOR  
Mr. Radha Shyam Jena, AOR  
Mr. Jai Prakash Pandey, AOR  
Ms. C. K. Sucharita, AOR  
Mr. G. Prakash, AOR  
Mr. Sudhir Kulshreshtha, AOR  
Ms. Asha Gopalan Nair, AOR  
Mr. Abhishek Chaudhary, AOR  
Mr. Lakshmi Raman Singh, AOR  
Mr. Shiva Pujan Singh, AOR  
Ms. Sujata Kurdukar, AOR  
Mr. Amit Anand Tiwari, AOR  
M/S. M. V. Kini & Associates, AOR  
Ms. Madhu Moolchandani, AOR  
Mr. Ranjan Mukherjee, AOR  
Ms. Bina Madhavan, AOR  
Mr. P. R. Ramasesh, AOR  
Mr. Balraj Dewan, AOR  
Mr. Ravi Prakash Mehrotra, AOR  
Mr. A. T. M. Sampath, AOR  
Mr. Ram Swarup Sharma, AOR  
Mr. B. S. Banthia, AOR  
Mr. Aniruddha P. Mayee, AOR  
Mr. Ajit Pudussery, AOR  
Mrs. Anjani Aiyagari, AOR  
Mr. Rauf Rahim, AOR  
Ms. Binu Tamta, AOR  
Mr. E. M. S. Anam, AOR  
Mr. S. R. Setia, AOR  
Mr. Himanshu Shekhar, AOR  
Mr. Rajesh Singh, AOR  
Shri. Gaichangpou Gangmei, AOR  
Mr. Navin Chawla, AOR

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

I.A.No. 5891 of 2019

As per the order passed by this Court on 05.05.2006, an adhoc arrangement was made before the enactment of National Compensatory Afforestation Fund Act, 2016. Now CAF Act has been enacted, a

prayer has been made by the Central Government, Ministry of Environment and Climate Change to act as per the provisions of the Act. Since the Act has been enacted and this Court's order was for adhoc arrangement only, we permit the Ministry to act as per the provisions of the Act. However, at the same time, we direct that the State Funds be created as per the provisions of Section 4 of the Act and a requisite Notification be issued by each of the State Governments with respect to the same within a period of two weeks from today. Within one week thereafter, the amount shall be transferred by the Central Government to the State Fund as envisaged under the aforesaid Act.

With respect to constitution of the Monitoring Committee as per Section 9(3), let the Monitoring Group proposed to be constituted by the Central Government as per the aforesaid provisions be placed before this Court. With respect to interest also, there is a provision made under the Act. Let the concerned Ministry of Government of India inform this Court how and in what manner they intend to implement the provisions under Section 3(6) and also under Sections 4 and 5 with respect to investment to be made in the interest bearing fund under the Public Accounts in India.

The Adhoc Committee is directed to transfer the fund as per the provisions of the Act to the Central Government.

For further consideration, list the application on 18.02.2019.

I.A.No. 153299 of 2018

It is assured that the matter will be resolved before the next date of hearing.



List the application on 18.02.2019.

I.A.No. 166530 of 2018

Considered the CEC Report No. 46 of 2018. The Power Grid Corporation has filed an affidavit to abide by the conditions. The affidavit is taken on record. The report is accepted.

I.A.No. 111489 of 2018

Let the affidavit be filed by the Ministry of Defence to abide by the conditions imposed by the CEC.

I.A.Nos. 135724/2017, 3922-3923

Perused the applications. We find that nothing survives in these applications, which are, accordingly, disposed of.

IA No. 3924

Report No. 50 of 2018 of the CEC dated 26.12.2018 is accepted since it is not objected by the National Tiger Conservation Authority (NTCA). The application is disposed of.

IA No. 3949

List the application on 01.03.2019.

I.A.Nos. 1659, 2343, 2784, 3735 and IA No. 179389/2018

(Andaman & Nicobar Admin.)

Taken on board.

List these applications on 18.02.2019.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER