

Government of Rajasthan, Department of Forests, letter No. 1(19)Forest/2003 Jaipur dated 15.12.2007

Sub.: Clarification regarding the forest land in Alwar Distt.

Sir,

The Department of Environment grants Environmental Clearance for undertaking certain activities in areas specified in the Aravalli Notification dt. 7.5.1992. The specified lands are as under:-

- (i) All reserved Forests, protected forests or any other area shown as "forest in the land records maintained by the State Government as on the date of this notification in relation to Gurgaon District of the State of Haryana and the Alwar District of the State of Rajasthan.
- (ii) All areas shown as :-
 - (a) Gair Mumkin Pahar, or
 - (b) Gair Mumkin Rada, or
 - (c) Gair Mumkin Behed, or
 - (d) Banjad Beed, or
 - (e) Rundh in the land records maintained by the State Government as on the date of this notification in relation to Alwar district of the State of Rajasthan.
- (iv) All areas of Sariska National Park and Sariska Sanctuary notified under the Wildlife (Protection) Act, 1972 (53 of 1972).

The department of Environment refers these cases to the Forest Department to know whether the land in question in Forest land or not. The Forest Department has so far not been clearly stating whether the area is Forest land or not because of the interpretation given vide Regional Office of the MOEF letter dated 28.1.2003 stating that all these areas referred to in para (ii) above are wilderness areas and are to be treated as Forest Areas as defined in the Oxford Dictionary. The State Govt. has not agreed with the interpretation of the Regional Office and represented the case to Govt. of India at various levels. The MOEF advised the State Govt. to file the comments of the State Govt. before the Central Empowered Committee. The comments as advised were filed before the CEC. The CEC largely agreed with the report of the Forest Department and filed its recommendations before the Hon'ble Supreme Court. The Hon'ble Court is yet to give its final verdict. All the cases requiring Environment Clearance relating to development works are held up in these areas.

The areas mentioned in para (ii) are not the notified forest lands under the Rajasthan Forest Act. They are also not under the administrative control of the Forest Department. Such areas are not being treated as forest land in any other district of Rajasthan and the CEC appointed by the Hon'ble Supreme Court has already examined the contention of the State Govt. and filed its report before the Supreme Court.

The State Govt. has, therefore, decided to treat only those areas as Forest lands which have been recommended by the CEC to be 'deemed forest' lands in its report filed before the Hon'ble Supreme Court on 6.6.2005 (Copy enclosed). FCA will apply to all these lands. Rest of the land falling under any of the categories specified above in para (ii) above are not forest land for the purpose of Forest (Conservation) Act, 1980. The Forest Department is hereby directed to comply and report the title of Forest land to the Department of Environment for the purpose of issuing Environment Clearance with respect to forest areas of Alwar district as per above decision of the State Government. This decision is subject to any other orders passed by the Hon'ble Supreme Court which shall be binding on all concerned.

Yours faithfully,
Signature/
Secretary to Government,
Department of Forests

6.2 Restriction of certain activities in Aravali Range Area

Ministry of Environment & Forests, Notification, New Delhi, the 7th May, 1992

Under Section 3(1) and 3(2) of the Environment (Protection) Act, 1986 and rule 5(3) (d) of the Environment (Protection) Rules, 1986 restricting certain activities in specified area of Aravali Range which are causing Environmental Degradation in the Region.

S.O.319 (E) – Whereas a Notification under section 3(1) and section 3(2) (v) of the Environment (Protection) Act, 1986 (29 of 1986) inviting objections against restricting certain activities in specified area of Aravali Range which are causing Environmental Degradation in the Region was published in the Gazette of India, Part II- Section 3 sub-section (ii) vide S.Q. 25(E) dated 9th January, 1992

And whereas all objections received have been duly considered by the Central Government.

Now, therefore, in exercise of the powers conferred by sub-section (i) and clause (v) of sub section (2), of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 5 of the Environment (Protection) Rules, 1986,

the Central Government hereby prohibits the carrying on of the following processes and operations, except with its prior permission, in the areas specified in the Table appended to this Notification :-

1. Restricting certain activities in specified area of Aravali Range –
 - (i) Location of any new industry including expansion / modernization.
 - (ii)
 - (a) All new mining operations including renewals of mining leases.
 - (b) Existing mining leases in Sanctuaries / National Park and areas covered under Project Tiger and/or
 - (c) Mining is being done without permission of the competent authority.
 - (iii) Cutting of trees:
 - (iv) Construction of any clusters of dwelling units, laun houses, sheds, community centres, information centres and any other activity connected with such construction (including roads a part of any infrastructure relating thereto):
 - (v) Electrification (laying of new transmission lines).
2. Any person, who desires to undertake any of the above mentioned processes or operations in the said areas, shall submit an application to the Secretary, Ministry of Environment & Forests, New Delhi, in the attached application form (Annexure) specifying, inter all, details of the area and the proposed process or operations. He shall also furnish an Environment impact statement and an Environmental Management Plan alongwith the application and such other information as may be required by the Central Government for considering the application.
3. The Central Government in the Ministry of Environment and Forests shall having regarding to the guidelines issued from time to for giving effect to the provisions to the said Act, grant permission within a period or three months from the date of receipt of the application of were further information has been asked for from the applicant, within a period of three months from the date of the receipt of such information, or refuse permission within the said time on the basis of the impact of the proposed process or operation on the environment in the said area.
4. For seeking permission under this Notification, an application in the prescribed form (see Annexure), duly filled in, may be submitted to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.

[No. 17/91-PL/1A)
R.RAJAMANI, Sec.,

Area where carrying on of processes and operations without permission is prohibited.

- (i) all reserved forests, protected forests or any other area shown as “forest in the land records maintained by the State Governments as on the date of this notification in relation to Gurgaon District of the State of Haryana and the Alwar District of the State of Rajasthan.
- (ii) all areas shown as :-
 - (a) Gair Mumkin Pahar, or
 - (b) Gair Mumkin Rada, or
 - (c) Gair Mumkin Bahed, or
 - (d) Banjad Beed, or
 - (e) Rundh

in the land records maintained by the State Government as on the date of this notification in relation of Gurgaon district of the State of Haryana and the Alwar district of the State of Rajasthan.

- (iii) All areas covered by notification issued under section 4 and 5 of the Punjab Land Preservation Act, 1900 as applicable to the State of Haryana is the district of Gurgaon up to the date of this notification.
- (iv) All areas of Sariska National Park and Sariska Sanctuary notification under the Wild Life (Protection) Act, 1972 (53 of 1972)