



First Project in Haryana to Get Post-facto Environmental Clearance

Why in News?

Recently, a private university built on protected [Aravali](#) land was given a post-facto approval by the **Ministry of Environment, Forest and Climate Change (MoEF&CC)**.

- It is the **first project in Haryana to get post-facto environmental clearance** since the [Forest Conservation Act \(FCA\), 1980](#) was amended.

Key Points

- Categorized under sections 4 and 5 of [Punjab Land Preservation Act \(PLPA\), 1900](#) the university lies on 13.6 hectares of Aravali land, **which prohibits deforestation, resale and fragmentation of land without prior permission.**
- Due to the amended act the **government can approve projects or industries that had begun functioning without obtaining prior environment clearance** and disclosing their environmental impact after a review in line with provisions of the Act.
- The committee gave its approval on few conditions:
 - The land **should not pass through any [national park](#), wildlife sanctuary, [elephant](#), or [tiger reserve](#).**
 - The university identifies an equal area of non-forest land for **compensatory afforestation** and should carry out plantation on it.
- In exceptional cases **regional forest department offices have been directed to examine and process** such proposals and forward them to the ministry with comments and recommendations for appropriate decisions.
- The amended FCA states that **it will be applicable to land parcels "notified" as forest according to the [Indian Forest Act, 1927](#).** The revised FCA is not applicable in areas converted from forest for non-forest purposes by any government authority authorized by the state before December 12, 1996.
- On December 12, 1996, the Supreme Court delivered its landmark judgment in the [Union of India Vs T N Godavarman case](#) ordering application of the FCA to **any area that qualified as a forest as per its dictionary meaning.**

DIVERSION 'UNAVOIDABLE & BAREST MINIMUM'

- 1998 | Construction of university begins next to Badkhal-Surajkund road in Faridabad, continues till 2004-05
- 2008 | Forest dept submits report to Supreme Court, saying the university building and other encroachments on forest land are to be razed
- 2022 | Forest dept tells Union environment ministry university was built in violation of Forest (Conservation) Act, 1980
- 2023 | After FCA amendment, university approaches environment ministry for post-facto clearance. It's granted by advisory committee

WHY THE NOD

According to the ministry's advisory committee,

> Requirement of land to be diverted is '**unavoidable and barest minimum**'

> As university proposal envisaged 'access' to education in area, there's forest land is unavoidable

> University is not located on forest land with any **socio-cultural or cultural** value

> There's no protected **archaeological/heritage site** or defence establishment in area

> No rare or endangered species of flora and fauna recorded in area

> University does not lie in way of any **national park or wildlife sanctuary**



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