



**IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION**

IN RE: ZUDPI JUNGLE LANDS

I.A. NO.12465 OF 2019

WITH

I.A. NO. 98194 OF 2019

**[Application for permission to file Additional Documents
in I.A. No.12465 of 2019]**

I.A. NO. 127871 OF 2020

[Application for Intervention in I.A. No.12465 of 2019]

WITH

I.A. NO. 127874 OF 2020

[Application for Directions in I.A. No.12465 of 2019]

WITH

I.A. NO. 44062 OF 2025

**[CEC REPORT NO. 08 OF 2025 IN I.A. NO.12465 OF
2019]**

WITH

I.A. NOS. 66986 AND 74569 OF 2025

**[Applications for permission to file Additional Documents
in I.A. No.127871 of 2020]**

IN

WRIT PETITION (C) NO. 202 OF 1995

IN RE: T.N. GODAVARMAN THIRUMULPAD

...PETITIONERS

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

IN THE MATTER OF:

STATE OF MAHARASHTRA

PRASAD KHALE

...APPLICANT

...INTERVENOR/APPLICANT

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J U D G M E N T

B.R. GAVAI, CJI

I. INTRODUCTION

1. This batch of applications involves a peculiar issue concerning the situation prevailing in the six districts of Eastern Vidarbha Region namely Nagpur, Wardha, Bhandara, Gondia, Chandrapur and Gadchiroli. The issue pertains to the status of the parcels of lands known as *Zudpi* Jungle or *Zudpi* Forest in the aforesaid districts of State of Maharashtra.

2. The State of Maharashtra has approached this Court stating that though these lands have been recorded in the revenue records as *Zudpi* Forest lands, however, taking into consideration the historical perspective, it is clear that these lands are not forest lands and that for the past several decades these lands have been put to various non-forestry purpose like residential, agricultural, government offices, public schools, primary health centres etc. The Divisional Commissioner, Nagpur Division, State of Maharashtra accordingly has filed certain IAs being IA No.12465 of 2019 and IA No.98194 of 2019. The prayers in the first of the two IAs are thus:

“(a) Issue the directions that the 86409 ha. Zudpi land, unfit for Forestry Management does not come under the purview of Forest (Conservation) Act, 1980 and also does not attract the provisions of orders of 12.12.1996 issued by this Hon’ble Court in the present Writ Petition AND in light of the submissions made above, this Hon’ble Court may also be pleased to issue directions that the directions in order dated 13.11.2000 in Writ Petition No. 337/1995 are also not applicable in respect of 86409 ha. Zudpi land, unfit for Forestry Management in the State of Maharashtra;

(b) Pass such other or further orders as may be deemed fit and proper.”

3. One Mr. Prasad Khale has filed IA No.127871 of 2020 seeking intervention. Further, IA No.127874 of 2020 has been filed by the said intervenor seeking the following reliefs:

“a. Direct the State of Maharashtra to initiate departmental enquiry against the errant officers of the Forest Department and Revenue Department who have violated the provisions of the Forest (Conservation) Act, 1980 by permitting Zudpi lands to be diverted for non-forest use and for allowing encroachments in the said areas.

b. Direct the State of Maharashtra to undertake necessary measures to restore the zudpi lands to its original condition, in cases where such lands have been illegally diverted without following the procedure laid down as per law.”

4. This Court, by its earlier orders, had directed the Central Empowered Committee (hereinafter, “CEC”) constituted under the orders of this Court, to submit its report.

5. Pursuant to the directions passed by this Court, two reports have been submitted by the CEC being CEC Report No.29 of 2019 dated 22nd October 2019 (hereinafter referred to as “**2019 CEC Report**”) and CEC Report No.8 of 2025 dated 17th February 2025 (hereinafter referred to as “**2025 CEC Report**”). We will refer to the orders passed by this Court and the aforesaid reports submitted by the CEC in the subsequent paragraphs of this judgment.

6. We have heard Shri K. Parameshwar, learned *amicus curiae*, Shri Siddharth Dharmadhikari, learned counsel appearing on behalf of the State and Smt. Madhavi Divan, learned Senior Counsel appearing on behalf of the intervenor.

II. SUBMISSIONS

7. Shri Parameshwar, learned *amicus curiae* has placed before us the entire factual scenario and the recommendations of the CEC as contained in both the reports. He submits that this Court after taking into consideration the entire factual scenario and the historical background should pass an appropriate order that balances the concerns with regard to protection of forests and also the interests of lakhs of citizens

who would be affected by the orders passed by this Court in the present proceedings.

8. Shri Dharmadhikari, learned counsel appearing on behalf of the State submits that the said *Zudpi* lands were never forest lands. However, on account of reorganization of States and inaction of certain bureaucrats, the revenue records were not corrected and as such, the lands continued to be recorded as *Zudpi* Forest lands erroneously. He submits that, *inter alia*, government offices, public schools, colleges, hospitals are constructed on these lands. He submits that if the prayers sought by the State are not granted, it will cause grave and irreparable damage to lakhs of citizens residing in these six districts of the Eastern Vidarbha Region in the State of Maharashtra.

9. Smt. Divan, learned Senior Counsel appearing on behalf of the intervenor submits that the 2025 CEC Report has failed to address various ecological concerns specifically with regard to wildlife and flora and fauna. She submits that the said Report of the CEC does not state that in the said *Zudpi* lands there is no wildlife. She submits that *Zudpi* lands are a representation of the transitional stage in ecological evolution.

She further submits that the “Scrub Forests” have an individual status and therefore they cannot be permitted to be used for non-forestry activities. She further submits if denotification of *Zudpi* Forest lands will be allowed, it will lead to healthy forests being degraded so that they can also be de-notified in the future. She further submits that there are various discrepancies in the 2025 CEC Report when compared with the 2019 CEC Report.

III. FACTUAL POSITION

a. Meaning of the term *Zudpi*

10. For considering the rival submissions, it will be appropriate to refer to the meaning of *Zudpi* Jungle, its history and usage.

11. As can be seen from the Report of the Committee for suggesting changes required in simplified procedure for diversion of *Zudpi* Jungle Land under Forest Conservation Act, 1980 titled as “*Resolving *Zudpi* Jungle Land Issue : A Development Perspective*” chaired by the Divisional Commissioner, Nagpur, “*Zudpi*” is a Marathi word which literally means *Bushes/Shrubs*. *Zudpi* lands means inferior type of unoccupied lands with bushy growth. The term *Zudpi*

Jungle has been in vogue over several decades and was used for all such wastelands which were not occupied by individual farmers for cultivation and other purposes. These lands consist of very low Murmadi soil (arid soil with gravel and soft stones) where tree growth was not possible. These lands had very poor potential of vegetative growth since the soil strata did not support root systems of trees. Such Murmadi soil supported mostly bushes and shrubs only. According to the said Report, in a nutshell, *Zudpi was what forest was not*. These lands were traditionally grazing lands and called as Gairan/Gurcharan/E-Class land as per Maharashtra Land Revenue Code 1966 (hereinafter referred to as “MLR Code, 1966”) in other parts of Maharashtra.

12. As has been stated in the said Report, the *Zudpi* Jungle land issue is an issue very peculiar to the six districts of Eastern Vidarbha viz., the Nagpur Division which were erstwhile part of Central Provinces i.e., Nagpur, Wardha, Bhandara, Gondia, Chandrapur and Gadchiroli. The Central Provinces was a province of British India which covered present day Madhya Pradesh, Chhattisgarh and Vidarbha Region of Maharashtra with Nagpur as its capital.

13. It will further be relevant to note that the word *Zudpi* Jungle was first used under the Central Province Settlement Code, 1889 (hereinafter referred to as “1889 Code”). The said term was used in the revenue records (Settlement Khasra) during the last round of the revision settlements which took place in the Ex Central Province Districts during 1912-1917. The said term of Settlement was for a period of 30 years. As such, the next round of Settlement was to be undertaken between 1942-1947. However, the said round of Settlement could not take place due to the Second World War and was also not undertaken post 1947 when India became independent.

14. The *Central Province Grazing and Nistar Act, 1948* (hereinafter referred to as “Nistar Act, 1948”) defined the term “Scrub Jungle”. The said Act was enacted to regulate the rights of grazing and Nistar within the area of any estates in the Central Provinces. The relevant provisions of the said Act are thus:

“2. Definitions.-

(m) “right of nistar” means right to cut, gather or otherwise appropriate any jungle produce for domestic purposes and not for sale.

(n) “Scrub Jungle” means forest growth of four years or less

3. Right of grazing and nistar – (1) The right of a resident of a village in respect of grazing of cattle and collection of jungle produce shall be regulated in accordance with the provisions made by or under this Act.

(2) Nothing contained in this Act shall affect any custom or any entry in the village administration paper relating to grazing or collection of jungle produce, which is not inconsistent with any express provision of this Act.”

15. It can thus be seen that clause (m) of Section 2 of the Nistar Act, 1948 defines “right of nistar” to mean right to cut, gather or otherwise appropriate any jungle produce for domestic purposes and not for sale. Clause (n) of Section 2 of the said Act defines “Scrub Jungle” to mean forest growth of four years or less. Sub-section (1) of Section 3 of the said Act provides that the right of a resident of a village in respect of grazing of cattle and collection of jungle produce shall be regulated in accordance with the provisions made by or under the said Act. However, sub-section (2) thereof provides that nothing contained in the said Act shall affect any custom or any entry in the village administration paper relating to grazing or collection of jungle produce, which is not inconsistent with any express provision of the said Act.

16. It will also be relevant to note that the term *Zudpi* Jungle or Scrub Jungle was also used in Vidarbha after Nistar rights were settled and incorporated in the *Madhya Pradesh Land Revenue Code, 1954* (hereinafter referred to as “MPLR Code, 1954”).

17. After abolition of Malguzari System in 1951, the State of Madhya Pradesh appointed Nistar Officers for all the Talukas. It was decided that the suitable areas out of the waste land belonging to former Malguzari/Zamindari would be transferred to the Forest Department for the purpose of fodder and fuel. The abovementioned Nistar Officers after inspection of their respective Talukas, classified the lands in 2 categories: (1) *Zudpi* Jungle meaning land with bushes and shrubs and (2) *Mothe Zadancha* Jungle meaning forest containing big trees.

18. It will be pertinent to note that for years the *Zudpi* lands vested with the Revenue Department were used by the State Government for development of basic amenities for villages like schools, primary health centres, laying of water supply pipeline or electrical poles, burial grounds, etc. These lands were also allowed to be used by the State Government for

Central Government's various projects like construction of railway stations, post offices, telegraph offices etc. The said lands were also used for various irrigation projects.

19. The area of these six districts after the reorganization of States which took place on 1st November 1956 became part of the State of Maharashtra. However, the scheme of preparation of record of rights was taken up for this area only in 1974.

b. Forest Conservation Act, 1980

20. The Forest (Conservation) Act, 1980 (hereinafter referred to as "FC Act, 1980") came into force on 25th October 1980. It will be relevant to refer to Section 2 of the said Act, as it stood then, which reads thus:

"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;
- (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.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for -

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation, but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes."

21. It can thus be seen that after the FC Act, 1980 came into effect, no State Government or any other authority except with the prior approval of the Central Government could have de-reserved the reserved forest land or permitted use of any forest land for non-forestry purpose. So also without the prior approval of the Central Government, no trees could be cleared from forest or any portion thereof.

c. Steps taken by the State Government

(i) Government Order dated 6th November 1987

22. Faced with the peculiar problem arising out of the

aforesaid situation, the State of Maharashtra took up the issue with the Central Government. The issue was discussed with the Union Minister for Forests.

23. As an outcome of the discussion, the State of Maharashtra issued a Government Order dated 6th November 1987. It will be relevant to refer to the following part of the said Government Order:

“...In this connection, the Union Minister for Forests had studied this question during his discussions with the Hon. Chief Minister and the concerned senior officials of the State and Central Governments. It was suggested at this meeting called by the Central Government that the aforesaid lands in the 5 districts of Vidarbha classified as “Scrub forests” will not attract the provisions of the Forest (Conservation) Act 1980, provided that these lands out of the private forest lands under possession of the Revenue Department in 1950, were classified as “Scrub Forests” and the Dy. Commissioner/Dist. Collector had, after consultations with the Zonal Forests Officers in regard to the legal status of these lands, decided to hand over these lands to the Revenue Department for afforestation, grazing, etc, and the lands had remained in possession of the Revenue Department at the time of settlement operation...”

24. Perusal of the aforesaid Government Order would reveal that the Chief Minister of Maharashtra, Union Minister for Forests and the concerned Senior Officers of the Central and the State Government had discussed the issue pertaining to *Zudpi* lands. In the said meeting, it was suggested that the

aforesaid lands which were “Scrub Forests” would *not* attract the provisions of the FC Act, 1980. However, for this, it was necessary that the said lands were classified as “Scrub Forests” and the Deputy Commissioner/District Collector had, after consultations with the Zonal Forests Officers in regard to the legal status of these lands, decided to hand over these lands to the Revenue Department for afforestation, grazing, etc., and that the lands had remained in possession of the Revenue Department at the time of settlement operation.

25. The said Government Order dated 6th November 1987 came to be challenged by Bombay Environmental Action Group and one other before the High Court of Judicature at Bombay, Nagpur Bench by filing a Writ Petition being WP No. 2840 of 1988.

26. When the said Writ Petition was pending, it appears that the Government of India changed its earlier stand and issued a notification dated 12th February 1992 *clarifying* therein that the *Zudpi* Jungle in revenue records would *continue* to be treated as “Forest Lands” under the FC Act, 1980. However, by the said notification, the Central Government also provided that the land which was a part of the *Zudpi* Jungle and which

was also used for certain non-forestry purpose (for example land used for Gaothan, land falling in Nagpur City used for urban buildings etc.) but for which the corresponding mutation entries had not been made in the revenue records, specific proposals would be sent by the State Government for approval of the Central Government under the FC Act, 1980.

27. It appears that in view of the stand taken by the Union of India in its notification dated 12th February 1992, the Government of Maharashtra *vide* Resolution dated 17th March 1994 withdrew its earlier Government Order dated 6th November 1987.

(ii) Mahajan Committee and Joshi Committee

28. To address the challenges arising out of the said situation, the Government of Maharashtra appointed a Committee known as the “Mahajan Committee”. The said Committee after studying the village records found that out of the 9,23,913 hectares of *Zudpi* Jungle lands, an extent of 6,55,619 hectares had already been notified as “Forest” during the period 1955-56 to 1959 as protected/reserved forest under the provisions of the Indian Forest Act 1927. It, therefore, found that only 2,68,293 hectares of land remained as *Zudpi*

Jungle land. Another committee known as “Joshi Committee” was also appointed to provide a possible solution to the problem of *Zudpi* Jungle.

29. In the meanwhile, this Court, in the present proceedings, *vide* an order dated 12th December 1996¹ defined the term “Forest” as under:

“4.The word “forest must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Sec 2(i) of the Forest Conservation Act. The term “forest land”, occurring in the 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 the 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...”

5. We further direct as under:

1. In view of the meaning of the word “forest” in the Act, it is obvious that prior approval of the Central Government is required for any non forest activity within the area of any “forest”. In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease

¹ (1997) 2 SCC 267 : 1996 INSC 1477

forthwith. It is, therefore, clear that the running of saw mills of any kind including veneer or plywood mills, and mining of any mineral are non-forest purposes and are, therefore, not permissible without prior approval of the Central Government....”

[Emphasis supplied]

(iii) Expert Committee

30. In compliance with the directions issued by this Court, the State of Maharashtra constituted an Expert Committee comprising of the following:

1.	Principal Chief Conservator of Forests, Maharashtra State	Chairman
2.	Chief Conservator of Forests (Conservator), Maharashtra State	Member
3.	Director, Social Forestry, Maharashtra State	Member
4.	Settlement Commissioner and Director of Land Records, Pune	Member
5.	Deputy Secretary (Revenue), Revenue and Forests Department	Member
6.	Representative of Private Company indulging in raising of plantation of tree species	Member
7.	Representative of the NGO, Fr. Krispino Lobo of Indo-German Watershed Development Programme, Ahmednagar	Member
8.	Nodal Officer in the o/o of the Principal Chief Conservator of Forests	Member – Secretary

31. The Expert Committee submitted its report and on the basis of the said report, an affidavit came to be filed by the

State of Maharashtra before this Court on 20th August 1997. In the said affidavit, three categories were made i.e., (i) forest; (ii) areas which were earlier forest which degraded, denuded or cleared; (iii) areas covered by plantation of trees belonging to government and those belonging to private persons. Further, the details of the areas identified in all the three categories including areas which could be construed as forests were stated. It will be apposite to refer to the relevant part of the said affidavit which reads thus:

“Even as we are seeking to include areas covered by the dictionary meaning of the word ‘forest’, in the areas already notified as forests 2680 sq.km of Zudpi lands are also included. In these, there are vast stretches which have no attributes of forest. The Government of Maharashtra has been persistently requesting the Union Government to exclude such areas from the application of the Forest (Conservation) Act 1980. It is prayed that this Hon’ble Court may issue suitable directions to the Union Government for exclusion of such Zudpi areas from the purview of the Forest (Conservation) Act 1980.”

32. It can thus be seen that the said affidavit shows that in the areas already notified as forests, 2680 sq. km of *Zudpi* lands were also included. The affidavit stated that there were vast stretches which had no attributes of forest. Further, the Government of Maharashtra had been persistently requesting

the Union Government to exclude such areas from the application of the FC Act, 1980. The Government of Maharashtra thus prayed that this Court issues suitable directions to the Union of India for exclusion of such *Zudpi* areas from the purview of the FC Act, 1980.

d. HPC constituted by the Central Government

33. To address these problems, the Government of India *vide* notification dated 21st September 1998 constituted a High Powered Committee (hereinafter, “HPC”). It will be relevant to refer to the following observations of the said HPC:

“Though the term “Zudpi” has not been defined specifically in the Maharashtra Land Revenue Code, it is in use in Vidarbha area of the ex-Madhya Pradesh State since 1954-55 indicating the classification of land owned by and normally covered by scrub (bush growth) and not by big trees. The meaning is obvious since ‘Zudpi’, a Marathi word, means bushy growth in inferior type of lands on unoccupied lands in a village.

In fact the term “Zudpi Jungle” in common parlance over the years has come to be used for all such wastelands, as were not occupied by the individuals for cultivation and other purposes. Actually these lands are of very low murmadi soil where tree is not possible or the tree growth is very low like scrub jungle and hence these land were known as scrub jungle and grazing lands in English terminology.”

34. It will also be apposite to refer to the analysis and the recommendations made by the HPC which read thus:

“Analysis by the HPC

High Powered Committee (hereinafter referred as HPC) constituted by Government of India vide its notification No.4B-87/FC (pt.) dated 21/9/98 held 4 meetings: Nagpur (11/12/1998), Delhi (8/1/1999, 19/2/1999, and)

HPC examined the reports of the two Committees mentioned in paragraph in details and the survey work of Zudpi Jungle area undertaken by Government of Maharashtra during 1993-94.

Its observations are as follows:

- (i) Application of the provisions of the Forest (Conservation) Act 1980 to Zudpi Jungle has given a severe jolt to the cultivators and villagers in Vidarbha in meeting their communal and day to day needs.

It was felt by the HPC that Zudpi Jungle lands cater to the communal and day to day needs of villagers and were complimentary to agriculture, dairy, cottage & small-scale industries in the villages. This was in consonance with the developmental policies of the Government which emphasized that the villagers should not be required to go outside their villages for their needs of fodder, firewood, minor minerals, clay, murrum, boulders, wood etc.

However the sodden interpretation covering these communal village lands under the Forest (Conservation) Act 1980 adversely affected the cultivators and the villagers in the 5 districts of Vidarbha Area where Forest Department started refusing permission for non forest uses of these lands which were guaranteed by the Government since 1954-55 under the Nistar Patra framed under the Madhya Pradesh Land Revenue Code, 1955 and Maharashtra Land Revenue Code, 1966.

Unfortunately, the legal provisions already in force guaranteeing rights of grazing, firewood, minor minerals, etc. to cultivators and landless labours from “Zudpi Jungle” lands in the vicinity of the villages has been unceremoniously withdrawn without amending the provisions under the Maharashtra land revenue code.

Major problems faced by the villagers and various Central/State government departments in implementing the developmental schemes/works in the Villages are primarily due to the above impediments created in respect of “Zudpi Jungle”. In fact the entire issue has been made so sensitive that the implementing agencies are being prosecuted if they remove minor minerals like murrum, small stones, etc. and MSEB or Telephone Department fix a pole even.

- (ii) The procedure envisaged under the Forest (Conservation) Act has led to slowing down of development projects including even those requiring minimal Zudpi Jungle land like school buildings, laying of electrical poles, pipe lines etc.
- (iii) Since Zudpi Jungle lands have traditionally been used for communal and day to day needs by the villagers, they should have been kept out of the purview of the Forest (Conservation) Act, 1980. The application of the Forest (Conservation) Act intends to negate the benefits, which were flowing and were intended to flow in future also to the community and the villagers.
- (iv) It was felt that these lands though referred to as ‘Jungle’ should not have been treated as forest under the Forest Conservation Act, since the term was used very loosely since early 1900 when there was no idea of the Forest (Conservation) Act, 1980. In fact such lands are not known as Jungle in other parts of Maharashtra at all. Instead they are known as gairon, parampok etc. Therefore it would be desirable that the Forest (Conservation) Act is not made applicable to such lands though known as Zudpi Jungle.

- (v) It may not be possible to take Zudpi Jungle out of purview of the Forest (Conservation) Act, 1980 in view of the Supreme Court Judgment of 1996.
- (vi) The problem of Zudpi Jungle is primarily confined to Vidarbha area alone.
- (vii) The Committee analysed the results of the survey and demarcation done by the Government of Maharashtra during 1993 to 1998 and observed that:
 - (a) 92115 Ha. Of Zudpi Jungle (out of 178525 Ha. With Revenue Department) is suitable for forestry management, development and conservation.
 - (b) 86409 Ha. Of land is unsuitable for forest management due to encroachment, fragmented holding, and existing non-forestry use.
 - (c) Government of India should give permission for 86409 ha. Land, unsuitable for forest management under the Forest (Conservation) Act 1980 in bulk without insisting on individual proposals. Government of India should also waive the conditions of compensatory afforestation and equivalent non-forest land.
- (viii) Slowing down of the development projects coupled with restrictions of Nistar rights has led to discontent and unrest amongst the villagers in Vidarbha region. This has the potential of taking serious turn if not attended to urgently.
- (ix) It is pertinent to point out here about the area of 89768.39 ha of Zudpi Jungle as point out in para 11(ii) above. This area needs to be located, surveyed and proposals for regularization under FCA 1980 be submitted to the Government of India, if these areas cannot be put to forestry use as per principles of discussions and recommendations.

Recommendations

1. 92,115 Ha. of Zudpi Jungle, which is found to be suitable for forestry management, development

and conservation should be notified as protected/reserved forest under Forest Act, 1927.

2. 86,409 Ha. Zudpi Jungle land, which is not suitable for forest management, as mentioned below, should be denotified and be allowed for any purpose including non-forestry as decided by the Revenue Department.

A) Land under encroachment 27507 Ha.

B) Land already under non-forestry use
26672 Ha.

C) Fragmented land etc. 32229 Ha.

3. Government of India should give permission under Forest (Conservation) Act to the above land 86,409 Ha. Through a consolidated proposal without insisting on individual proposals.
4. Government of India should not insist on compensatory afforestation because during 1955-59, 6,55,619 ha and in this report as per recommendation No.1 above, an area of 92,115 ha totalling to 7,47,734 ha of all Zudpi Jungle has been taken to be forests out of a total of 9,23,913 ha of land which had the status of Zudpi Jungle.
5. The area of 89,768.39 ha which has already been diverted to non-forestry purpose (upto 1992) needs to be located, surveyed and proposals for its regularization under FCA 1980 be sent to Government of India provided these areas cannot be put to forestry use as per principles of discussions and recommendations.”

35. It can be seen from the Report of the HPC that on account of the *inaction of certain bureaucrats* a huge problem has arisen. It was emphasized that *Zudpi* Jungle lands cater to the community and day-to-day needs of villagers and were

complimentary to agriculture, dairy, cottage and small-scale industries in the villages. It was further emphasized that the villagers should not be required to go outside their villages for their needs of fodder, firewood, minor minerals, clay, murrum, boulders, wood etc. It was further emphasized that the major problems faced by the villagers and various Central/State Government Departments in implementing the developmental schemes/works in the villages are primarily due to the above impediments created in respect of *Zudpi* Jungle. It was also emphasized that in the other parts of the State, similar lands instead of being referred to as “Jungle”, were known as gairon, parampok etc. The said Committee, therefore, recommended that 92,115 hectares of *Zudpi* Jungle, taking all these factors into consideration which was found to be suitable for forestry management, development and conservation should be notified as protected/reserved forest under the Indian Forest Act, 1927. It also recommended that 86,409 hectares of *Zudpi* Jungle land, which was not suitable for forest management, should be denotified and be allowed for any purpose including non-forestry as decided by the Revenue Department. The said

Committee also recommended that the Government of India should not insist on compensatory afforestation.

36. The Report of the HPC along with the proposal of the State Government for denotification of 35,010.89 hectares *Zudpi* Jungle land was considered by the Forest Advisory Committee (hereinafter referred to as, “FAC”) of the Ministry of Environment and Forest & Climate Change (hereinafter referred to as, “MoEF&CC”) in its meeting dated 24th April 2001. The FAC recommended a site visit. After the site visit and the recommendation of FAC, the MoEF&CC granted Stage-I approval on 20th November 2001 for the diversion of 31,192.34 hectares subject to compliance of certain prescribed conditions.

e. Remedial measures by Central and State Government

37. Subsequently, a meeting was chaired by the Chief Minister of Maharashtra and through a letter dated 18th July 2011, the following suggestions were made to the MoEF&CC:

- i. “To drop the condition of notifying 92,115 ha *Zudpi* Jungle land which is suitable for forestry management as Reserved Forest/Protected Forest under the Indian Forest Act, 1927

- ii. An extent of 92,116 ha Zudpi Jungle land as recommended by the HPC, may be kept as land bank for compensatory afforestation
- iii. To de-notify 86,409 ha of Zudpi Jungle lands, recommended by the Committee as unsuitable for forestry management, break up being 27,507 ha under encroachment and 26,672 ha under various non forestry use and 32,229 ha of fragmented land available in patches of less than 3.00 ha
- iv. Simplification of procedure under the Forest (Conservation) Act for submission of proposals as at present it entails an enormous amount of paperwork.”

38. Thereafter, a Joint Meeting of Secretary of MoEF&CC and representative of State of Maharashtra was held on 18th April 2013. In the said meeting, the following decisions were taken:

- i) In accordance with the Hon'ble Supreme Court Judgment, Zudpi Jungle will have to be treated as a forest.
- ii) Out of 92,115 ha. of Zudpi Jungle land an extent of 16,309.99 ha has already been notified as forest. The balance 75,806.78 ha will be notified by the State Government at the earliest. The proposal of the State Government to use these lands as land bank for compensatory afforestation will be favourably considered. However, double the area will have to be taken up and this will be admissible only for proposal of the State Government and for other projects it will be as provided in the guidelines.
- iii) The proposals for the diversion of forest land as at (a) (b), and (c) below will be examined by the MoEF&CC and considered favorably within the framework of prevailing laws and the directions of the Hon'ble Supreme Court.

- (a) Proposals for diversion of 32,229 ha. Fragmented Zudpi Jungle Lands for public purpose/infrastructure will be submitted by the State Government Departments/ Undertakings in a consolidated form giving details of the area of each of the fragmented lands.
- (b) Proposals for Zudpi Jungle Lands under encroachment (27,507 ha.) and land under non-forest use (26,672 ha) will be submitted in the following manner:
 - (i) State Government will identify the area under encroachment/non-forestry use prior to 12.12.1996 and post 12.12.1996.
 - (ii) The State Government will identify the area under non-forestry use for commercial purposes.
 - (iii) Proposals for pre-12.12.1996 non-forestry uses/encroachment and post-12.12.1996 non-forest uses/encroachments will be submitted separately in accordance with the prevailing law and the Hon'ble Supreme Court's directions.
- (c) The special dispensation for submission and consideration of diversion proposals will not be considered for the diversion of forest land under commercial use.
- iv) The Government of India will prescribe simplified procedures for the submission of proposals of Zudpi Jungle lands under FCA.”

39. It will also be pertinent to note that the request of the State Government for exemption from payment of Net Present Value (hereinafter referred to as “NPV”) was considered by the

FAC in its meeting dated 26th October 2017. The FAC recommended that since the concept of NPV was introduced by this Court in its order dated 29th October 2002 in the present proceedings, it recommended that NPV shall not be collected from the State Government for diversion proposals submitted under the FC Act, 1980 where *Zudpi* Jungle Land has been put to non-forestry use before 12th December 1996. It will also be relevant to refer to the following recommendations made by the FAC:

“15. The proposal was considered by the FAC on 26.10.2017 and following recommendations were made:

1. The recommendation of the state government that the 86,409 Ha. *Zudpi* Jungle land with following present land use should be de-notified for any purpose including non-forestry as decided by the Revenue Department is not according to the legal provisions.
 - (a) Land under encroachment 27507 Ha.
 - (b) Land already under non-forestry use 26,672 Ha.
 - (c) Fragmented land etc. 32,229 Ha.
2. The *judpi* jungle under encroachment (27507 ha) and under non-forestry use (26672 ha) which has been put to non-forestry use without FC clearance before judgement dated 12.12.1996 by Hon'ble Supreme Court in T.N. Godavarman Thirumulpad be considered for post facto approval under section 2(ii) of FC Act subject to mitigation measures.

3. District wise comprehensive proposal, where zudpi jungle is recorded in the land record and the same has been put to non-forestry use before 12.12.1996 will be submitted providing the details of each piece of judpi jungle land with names of owner of the land and its present land use duly certified by District collector and the respective Divisional Forest Officer of the concerned district along with the maps. If the present land use of the judpi jungle is still a forest having jungle jhar and tree growth, as certified by the DFO and revenue authority, the same piece of land will be retained and maintained as forest and developed as village or urban forest as the case may be.
4. 33229 ha of fragmented piece of judpi jungle which are being treated as small patches of forest should be maintained as forest land and developed and maintained as village or urban forest by the state government. If any of these land is required for non-forestry purpose by the state government then the approval under section 2(ii) of FC Act will be mandatorily required on payment of NPV and Compensatory afforestation and other mitigation measures.
5. Since the concept of NPV was introduced by Supreme Court judgment on 29th October 2002 for future diversion proposals, NPV shall not be collected from the state Government for the diversion proposal submitted under section 2(ii) of FC Act as referred above in para 15(3) of the recommendation.”

f. IAs concerning Zudpi Jungle

(i) IA No.176 of 1997

40. It will also be relevant to note one other development.

After the order dated 12th December 1996 was passed by this

Court in the present proceedings, an IA being IA No.176 of 1997 came to be filed by one Nagpur Quarry Owners Welfare Association seeking permission to continue quarrying in the *Zudpi* Jungle in Nagpur District as they had been refused permission for stone quarrying on the ground that the area falls within a *Zudpi* Jungle which attracted the provisions of FC Act, 1980. This Court called upon the CEC for its recommendations in this regard. The CEC recommended that the said area would be a forest area in view of the order passed by this Court dated 12th December 1996. The said recommendation of the CEC was accepted by this Court *vide* order dated 6th May 2003 and the applicant therein was relegated to take appropriate recourse by making an application through the State Government for obtaining prior approval from the Central Government.

(ii) IA No.12465 of 2019

41. In this background, IA No.12465 of 2019 came to be filed by the Divisional Commissioner, Nagpur with the prayers which we have already reproduced hereinbefore.

42. This Court, *vide* order dated 8th March 2019, sought the opinion of the CEC. Pursuant to the order dated 8th March

2019, the CEC filed its Report being 2019 CEC Report. The conclusions recorded by CEC in the said Report are as under:

- i. “Zudpi Jungle lands are recorded forests and not notified forests;
- ii. Out of 9,23,913 ha. of originally recorded Zudpi Jungle lands, 6,55,619 ha. of land with tall tree growth has already been notified as Reserved Forest/Protected Forest between 1955 and 1959;
- iii. Another 93,293.18 ha. of land has been notified under Section 4 of the Indian Forest Act, 1927 and it is proposed to declare the same as Reserve Forest;
- iv. Change in land use in respect of 45056.14 ha. (33,739.40 ha. before 25.10.1980 and 11,316.74 ha. between 25.10.1980 and 12.12.1996) out of 170212.37 ha. has taken place prior to the order dated 12.12.1996 of this Hon’ble Court but corresponding changes in land records are yet to be made;
- v. Secretary, MoEFF&CC in its meeting dated 18.04.2013 has requested the State of Maharashtra to submit separate proposals under FC Act 1980 for pre 12.12.1996 and post 12.12.1996 non-forestry use;
- vi. The FAC in its meeting held on 26.10.2017 recommended that since the concept of NPV was introduced by this Hon’ble Court in its judgment dated 29.10.2002 NPV shall not be collected from the State Government for diversion of Zudpi Jungle lands which have been put to non-forestry use before 12.12.1996;
- vii. Revenue Department does not have any other land at its disposal to meet the residential needs of the poor sections of the society in Nagpur Revenue Division;

- viii. Most of the Zudpi Jungle lands which are not notified as Reserved forest/Protected forest or under Section 4 of the Indian Forest Act 1927 are spread over 6919 villages and are highly fragmented and are not suitable for management as forests; and
- ix. The Government of India on 12.02.1992 conveyed to the State of Maharashtra that lands shown as “Zudpi Jungle” in revenue records will continue to be treated as forest land under the Forest (Conservation) Act 1980.”

43. The CEC also recommended thus:

“A. Permitting the Applicant, Divisional Commissioner, Nagpur to make suitable changes in the revenue records with a view to change the classification/ nomenclature of the "Zudpi Jungle" lands to actual land use class/nomenclature in respect of "Zudpi Jungle" lands which have been put to non-forest use prior to 12.02.1992. However, the Zudpi Jungle lands which have not been put to non-forest use prior to 12.02.1992 will attract the provisions of the Forest (Conservation) Act, 1980 and the State of Maharashtra therefore will be required to take forest clearance from MoEF&CC and make payment of NPV and undertake compensatory afforestation; and

- i. transfer all the Section 4 notified forest lands to the Forest Department latest by 31.03.2020; and
- ii. complete the forest settlement proceedings in respect of all the Section 4 notified Zudpi Jungle Lands latest by December 2021.

B. The balance extent of Zudpi Jungle land out of 86,409 ha identified as unfit for forestry management be considered for approval under FC Act, 1980 by MoEF&CC only after ensuring that the possession of entire 15,485.74 ha of reserve forest land in Ahmednagar District and 51,032.59 ha of reserve

forest land in Sholapur District (total 66,518.33 ha) referred to in para 34 of above is transferred from the Revenue Department to the Forest Department in compliance of this Hon'ble Court order dated 22.09.2006 in IA No.1483 of 2006.”

44. The State of Maharashtra filed its reply to the 2019 CEC Report. The matter was thereafter heard by this Court from time to time.

45. When the matter was heard by this Court on 14th February 2024, it was noted that there were some issues that could be resolved by the CEC and the representatives of the State Government and the MoEF&CC. This Court, therefore, directed the CEC to have a joint meeting with representatives of the State Government & MoEF&CC and file a fresh report.

46. Pursuant to the aforesaid directions issued by this Court, the CEC carried out a fresh exercise for data collection. The CEC had several rounds of meetings with the officials of the MoEF&CC as well as State Government. It also made various site visits even to the remotest parts of the districts. Huge data was collected by the CEC and the said data was also verified by the respective District Collectors. It is pertinent to note that the total data collected by the CEC amounts to 141 GB

comprising of 76,907 files distributed across 8,826 folders. It is further to be noted that the District Collectors of Nagpur, Wardha, Bhandara, Chandrapur, Gondia and Gadchiroli Districts have issued certificates authenticating the *Zudpi* Jungle data of their respective districts.

g. Recommendations in the 2025 CEC Report

47. After considering all the aspects of the matter, the CEC has made the following recommendations *vide* its Report being 2025 CEC Report:

“46. In view of the available facts and analysis of various documents as highlighted in the preceding paragraphs, the CEC recommends that:

- i. the Zudpi Jungle lands shall be considered as Forest Lands for all purposes, whatsoever and the Forest (Conservation) Act, 1980 is applicable on Zudpi Jungle lands;
- ii. given the peculiar circumstances and significance of Zudpi Jungle lands, as an exception and without treating it as a precedent by whatsoever for any matter, for the Zudpi Jungle lands allotted by competent Authority upto 12.12.1996 and for which land classification has not been changed, the State of Maharashtra shall seek approval under section 2(i) of the Forest (Conservation) Act, 1980 for their deletion from the "list of the forest areas". A consolidated proposal shall be submitted by the State Government of Maharashtra for each district and the Central Government may take a decision on that as per the extant norms/rules. All activities *for* which lands

have been allotted by the competent Authority will be deemed to be site-specific and no condition for compensatory afforestation or depositing NPV levies may be imposed by the Central Government while processing such proposals. Moreover, the State Government shall necessarily ensure that the land use is not changed in the future under any circumstances and transfer is made only by inheritance;

- iii. the Central Government and the State Government shall with mutual consultation, and with prior approval of the CEC, devise a simpler format and process for processing the proposals of diversion of Zudpi Jungle land for non-forestry activities under the Forest (Conservation) Act, 1980. This task shall be completed within the next three months. Liberty may please be granted to the CEC to decide the issue in case any conflicting stand is taken by both the Governments;
- iv. it has been observed that certain allotments of Zudpi Jungle lands have been done post 12.12.1996 also. The State Government shall give reasons as to why such allotments were done along with the list of officers who made such allotments in violation of the orders of this Hon'ble Court. The Central Government shall process such proposals under the provisions of section 2(ii) of the Forest (Conservation) Act, 1980 only after ensuring that suitable punitive action has been taken against the concerned officials under sections 3(a) and 3(b) of the Forest (Conservation) Act, 1980;
- v. all the unallotted 'fragmented land parcels' (each plot having an area of less than 3 ha and not adjoining any forest area), shall be declared as 'Protected Forests' under section 29 of the Indian Forest Act 1927 by the State

Government. The concerned Sub-Divisional Magistrate shall be responsible for ensuring that no such land parcel is encroached upon. As and when these lands are required for non-forestry purposes by the State Government, the proposal may be submitted under the provisions of the Forest (Conservation) Act, 1980 and the same shall require prior approval of the Central Government for diversion of such land. However, in no case any such land shall be diverted to any nongovernment entity for any purpose, whatsoever;

- vi. the detailed data of Zudpi jungle land admeasuring 13,158.026 ha as mentioned in para 44 above shall be collected by the revenue authorities within the next six months. All such land parcels with an area less than 3 ha and not adjoining any forest area shall be treated as 'fragmented land parcels' and the remaining shall be transferred to the Forest Department under intimation to the CEC;
- vii. in Zudpi jungle land, for settlement of rights under the provisions of the Forest Rights Act 2006, apart from other required documents, the historical satellite imagery shall also be used as a tool in the decision-making process;
- viii. any government order issued by the State Government of Maharashtra regarding the regularisation of encroachments on any land shall not be applicable to Zudpi Jungle lands. All encroachments prior to 25.10. 1980 shall be removed except in the cases where ex-post facto approval of the Central Government under the Forest (Conservation) Act, 1980 is permissible and granted;
- ix. all allotments for commercial purpose post 25.10.1980 must be treated at par with encroachments. An exercise of removal of all

allotments for commercial purpose post 25.10.1980 and all encroachments post 25.10.1980 shall be started immediately. A special task force comprising of a Sub-Divisional Magistrate, Deputy Superintendent of Police, an Assistant Conservator of Forests and a Taluka Inspector of Land Records should be constituted in each district to remove encroachments. These officials will be posted only for this purpose and will not be assigned any other duty. This entire exercise shall be completed within a period of two years;

- x. all the proceedings regarding notification u/s 20 of the Indian Forest Act 1927 concerning Zudpi Jungle lands notified under Section 4 of the Indian Forest Act, shall be completed within the next six months. Any further delay shall call for fixing of responsibility and punitive action against the concerned officers;
- xi. in the five districts of Vidarbha, viz. Chandrapur, Gadchiroli, Nagpur, Wardha, and Bhandara, the Central Government shall consider Zudpi jungle lands for compensatory afforestation instead of non-forest land, without insisting on the Chief Secretary's Certificate regarding the non-availability of non-forest land. However, in such cases, compensatory afforestation must be carried out on double the area of Zudpi Jungle land, as per the existing guidelines of the Ministry of Environment, Forest and Climate Change; and
- xii. the State Government shall fix a timeline to transfer all the Reserve Forest Lands in the custody of the Revenue Department to the Forest Department within the next three months. Liberty may please be granted to the CEC to monitor the progress of the aforesaid transfer of the Reserve Forest Lands and

submit periodic reports to this Hon'ble Court."

IV. ISSUE FOR CONSIDERATION

48. We are, therefore, called upon in the present *lis* to consider as to whether the recommendations made by the CEC in its 2025 Report should be accepted or not?

V. DISCUSSION AND ANALYSIS

a. Locus of the intervenor in IA No.127871 of 2020

49. The intervenor, who is a resident of Dombivli East, Maharashtra which is around 800 kms away from the area of the six districts in respect of which the issue arises, has opposed the recommendations of the CEC.

50. At the outset, we clarify that we do not propose to go into the question regarding the *locus* of the intervenor inasmuch as the present matter involves concern with regard to environmental protection. However, at the same time, it is also required to be noticed that though the present *lis* is pending before this Court for a number of years, there is not a single application of intervention from any of the residents or organizations working for protection of environment from the aforesaid area opposing the recommendations of the CEC.

51. Having said that, we are of the opinion that the present batch of applications are required to be considered by us from a historical perspective.

52. As discussed hereinabove, the term *Zudpi* Jungle was used under the erstwhile 1889 Code. The said term was used in the revenue records (Settlement Khasra) during the last round of the revision settlements which took place in the erstwhile Central Province Districts during the years 1912-1917. The said term of Settlement was for a period of 30 years. Therefore, ideally, the next round of settlement ought to have been undertaken between 1942-1947. However, during the said period, the Settlement could not be undertaken on account of Second World War. It further appears that after India became independent in the year 1947, the Settlement could not be undertaken on account of apathy on the part of bureaucrats.

53. It is further to be noted that the Nistar Act, 1948 conferred certain rights on the residents of villages in certain matters including grazing of cattle and collection of jungle produce from the “Scrub Jungle”. It also protects the

customary rights relating to grazing of cattle and collection of jungle produce.

54. The term *Zudpi* Jungle or Scrub Jungle was thereafter used in Vidarbha after Nistar rights were settled and incorporated in the MPLR Code, 1954. It is to be noted that in order to take forward the avowed principle of social and economic equality as enshrined in the Constitution of India, the erstwhile Malguzari system was abolished in 1951. Under the said Malguzari system, the ownership of land was vested with the Malguzars. It is clear that in order to give effect to the Directive Principles under clauses (b) and (c) of Article 39 of the Constitution, the Malguzari system was abolished in the year 1951 when the country was undergoing the process of agrarian reforms and as a part of it Zamindari system and the likewise systems were abolished. After the abolition of Malguzari system, it was decided that the suitable areas out of the waste land belonging to former Malguzari/Zamindari would be transferred to the Forest Department for the purpose of fodder and fuel. The Nistar Officers, who were appointed for identifying the lands, classified the lands into 2 categories: (1) *Zudpi* Jungle and (2) *Mothe Zadancha* Jungle. These *Zudpi*

Jungle would mean the Shrub Jungle i.e., the land with bushes and shrubs whereas *Mothe Zadancha* Jungle would mean the forest containing big trees.

55. It is further to be noted that though in the other parts of the State of Maharashtra, after reorganization of States, the similar lands were known as Gairan/Gurcharan/E-Class land, however, on account of certain bureaucrats not taking steps at the right time, the lands continued to be recorded in the revenue record as *Zudpi* Jungle.

56. It is further to be noted that the effect of the FC Act, 1980 and the order of this Court dated 12th December 1996 was that the rights in the lands which were granted to the citizens as early as in 1954-55 under the Nistar Act, 1948 issued under the MPLR Code, 1954 and MLR Code, 1966 came to be withdrawn. Till 1996, the lands in question were already put in use for various purposes. Various government projects including the irrigation dams, schools, hospitals, primary health centres and the government buildings were already existing thereon. The lands were allotted to landless people for agricultural purposes.

57. Faced with this difficulty, the State of Maharashtra took up the issue with the Central Government. The Central Government, as is evident from the communication dated 6th November 1987, discussed the issue with the Chief Minister of Maharashtra and the concerned Senior Officials of the Central and State Governments. In the said meeting, it was decided that the lands classified as “Scrub Forests” in the erstwhile Districts of Vidarbha would not attract the provisions of the FC Act, 1980. The Government of Maharashtra therefore issued the Government Order dated 6th November 1987 directing therein that the “Scrub Forests” would not attract the provisions of FC Act, 1980. It was clarified that the said Government Order was applicable only to “Scrub Forests” of the Districts of Vidarbha and would not affect any other lands.

58. Further, it appears that the said Government Order came to be challenged before the High Court of Bombay by filing of a Writ Petition. During the pendency of the said writ petition, the Government of India issued a notification dated 12th February 1992 stating therein that the *Zudpi* Jungle would be continued to be treated as “Forest Land” under the FC Act, 1980. The Government of Maharashtra consequently withdrew

its earlier Government Order dated 6th November 1987 *vide* Resolution dated 17th March 1994. Thereafter, the position came to be clarified by this Court *vide* its order dated 12th December 1996 in the present proceedings.

59. It can thus be seen that between the period from 1980 to 1996, there was a situation of uncertainty as to whether the said land would be covered by the FC Act, 1980. It is for the first time on 12th December 1996 the position became clear that the said lands i.e. *Zudpi* Lands would also be treated as “Forest Lands” for the purpose of FC Act, 1980. Thereafter, various Committees were constituted by the State Government to find out the solution. Finally, the HPC consisting of various Senior Officers of the Central Government and the State Government was constituted to submit its report. The HPC, accordingly, submitted its Report.

60. Thereafter, the matter was pending between the State Government and the Central Government for a long time.

61. Thereafter, though on the basis of the recommendations of the FAC given in its meeting dated 24th April 2001, the MoEF&CC granted Stage-I approval on 20th November 2001 for the diversion of 31,192.34 hectares subject to compliance

of certain prescribed conditions, the Government of Maharashtra through a letter dated 18th July 2011 made various requests to MoEF&CC. Again, a Joint Meeting of officials of MoEF&CC and the State of Maharashtra was held on 18th April 2013. Certain decisions were taken in the said meeting to which we have already referred to hereinabove.

62. Thereafter, the request of the State Government for exemption from payment of NPV was considered by the FAC in its meeting dated 26th October 2017. The FAC recommended that since the concept of NPV was introduced by this Court in its order dated 29th October 2002 in the present proceedings, the NPV shall not be collected from the State of Maharashtra for diversion, where *Zudpi* Jungle land has been put to non-forestry use before 12th December 1996.

63. Faced with this grave situation, the State of Maharashtra preferred I.A. No.12465 of 2019 for clarification that the directions of this Court dated 12th December 1996 issued in the present proceedings were not applicable in respect of 86409 hectare of *Zudpi* lands being unfit for Forestry Management.

64. This Court sought the Report of the CEC and the CEC filed its Report being 2019 CEC Report.

65. The matter thereafter was heard from time to time and this Court *vide* order dated 14th February 2024 noted that there were some issues that could be resolved by joint deliberation between the CEC and the representatives of the State Government so also that of the MoEF&CC.

b. Efforts taken by CEC

66. In pursuance of the aforesaid direction, the CEC conducted site visits and several rounds of meetings with the officials of MoEF&CC as well as the State Government and also collected a huge amount of data which was verified by the respective District Collectors.

67. It can thus be seen that the aforesaid recommendations are an outcome of a huge exercise undertaken by the CEC. The CEC consists of various experts having vast experience in the field of forest management and protection. As already stated hereinabove, the said recommendations contained in the 2025 CEC Report will have to be considered in the background of the historical perspective as stated hereinabove.

c. Consequences of not accepting recommendations of CEC

68. It can also be seen that if the recommendations made by the CEC are not accepted, it will have a devastating effect and lakhs of people who are residing on the said lands for a number of decades will be dishoused. The slum dwellers, who have constructed the slums on the said lands and after protection under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 have continued to reside on the said lands decades prior to the period from 1980-1996 will have to be dishoused. Huge government buildings which are existing on the said lands for decades including government offices, schools, hospitals etc. will also have to be demolished.

69. The effect of non-acceptance of the recommendations as made by the CEC would lead to demolition of the facilities in use by the Defence Ministry, the Air Force, the buildings, offices of the Central Government and the State Government. It would also affect the establishments of the Agricultural Universities constructed in the said area.

70. We are annexing along with this judgment as an illustration, Annexure-1 to the Report of the Committee for suggesting changes required in simplified procedure for diversion of *Zudpi* Jungle Land under Forest Conservation Act, 1980 chaired by Divisional Commissioner, Nagpur, which would show the number of establishments only in the city of Nagpur which would be affected if the Report of the CEC is not accepted.

71. We are annexing the said list only to show as to how many institutions/buildings/residences etc. would be affected on non-acceptance of the 2025 CEC Report. This is only pertaining to the area in Nagpur Municipal Corporation. One can imagine as to what would be the effect in the entire 6 districts including various cities, towns and villages!

d. Social and Economic Justice

72. There is another aspect to be considered in the present matter.

73. The Constitution of India promises social and economic justice along with political justice. It will be relevant to refer to Articles 38 and 39 of the Constitution of India which are

included in the Constitution as an instrument for bringing out social and economic equality, and which read thus:

“38. State to secure a social order for the promotion of welfare of the people.- (1)The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

(2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

39. Certain principles of policy to be followed by the State. - The State shall, in particular, direct its policy towards securing-

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that

childhood and youth are protected against exploitation and against moral and material abandonment.”

74. It will also be relevant to note that there was a debate even with regard to use of the word “**strive**” used in clause (1) of Article 38 of the Constitution.

75. It will be apt to refer to the words of Dr. B.R. Ambedkar, in his speech in the Constituent Assembly on 19th November 1948. While explaining as to what was the fundamental position taken in the Constitution, Dr. Ambedkar observed thus:

“The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, I see that there is a great deal of misunderstanding as to the real provisions in the Constitution in the minds of those members of the House who are interested in this kind of directive principles. It is quite possible that the misunderstanding or rather inadequate understanding is due to the fact that I myself in my opening speech in support of the motion that I made, did not refer to this aspect of the question. That was because, not that I did not wish to place this matter before the House in a clear-cut fashion, but my speech had already become so large that I did not venture to make it more tiresome than I had already done; but I think it is desirable that I should take a few minutes of the House in order to explain what I regard as the fundamental position taken in the Constitution. As I stated, our Constitution as a piece of mechanism lays down what is called parliamentary democracy. By parliamentary democracy we mean ‘one man, one vote’. We also mean that every Government shall be on the anvil, both in its daily

affairs and also at the end of a certain period when the voters and the electorate will be given an opportunity to assess the work done by the Government. The reason why we have established in this Constitution a political democracy is because we do not want to install by any means whatsoever a perpetual dictatorship of any particular body of people. While we have established political democracy, it is also the desire that we should lay down as our ideal economic democracy. We do not want merely to lay down a mechanism to enable people to come and capture power. The Constitution also wishes to lay down an ideal before those who would be forming the Government. That idea is economic democracy, whereby, so far as I am concerned, I understand to mean, 'one man, one vote'. The question is : Have we got any fixed idea as to how we should bring about economic democracy? There are various ways in which people believe that economic democracy can be brought about; there are those who believe in individualism as the best form of economic democracy; there are those who believe in having a socialistic state as the best form of economic democracy; there are those who believe in the communistic idea as the most perfect form of economic democracy.

Now, having regard to the fact that there are various ways by which economic democracy may be brought about, we have deliberately introduced in the language that we have used, in the directive principles, something which is not fixed or rigid. We have left enough room for people of different ways of thinking, with regard to the reaching of the ideal of economic democracy, to strive in their own way, to persuade the electorate that it is the best way of reaching economic democracy, the fullest opportunity to act in the way in which they want to act.

Sir, that is the reason why the language of the articles in Part IV is left in the manner in which this Drafting Committee thought it best to leave it. It is no

use giving a fixed, rigid form to something which is not rigid, which is fundamentally changing and must, having regard to the circumstances and the times, keep on changing. It is, therefore, no use saying that the directive principles have no value. In my judgment, the directive principles have a great value, for they lay down that our ideal is economic democracy. Because we did not want merely a parliamentary form of Government to be instituted through the various mechanisms provided in the Constitution, without any direction as to what our economic ideal, as to what our social order ought to be, we deliberately included the Directive Principles in our Constitution. I think, if the friends who are agitated over this question bear in mind what I have said just now that our object in framing this Constitution is really two fold : (i) to lay down the form of political democracy, and (ii) to lay down that our ideal is economic democracy and also to prescribe that every Government whatever, it is in power, shall strive to bring about economic democracy, much of the misunderstanding under which most members are labouring will disappear.

My friend Mr. Tyagi made an appeal to me to remove the word 'strive', and phrases like that I think he has misunderstood why we have used the 'strive'. **The word 'strive' which occurs in the Draft Constitution, in my judgment, is very important. We have used it because our intention is even when there are circumstances which prevent the Government, or which stand in the way of the Government giving effect to these Directive Principles, they shall, even under hard and unpropitious circumstances, always strive in the fulfillment of these Directives. That is why we have used the word 'strive'. Otherwise, it would be open for any Government to say that the circumstances are so bad, that the finances are so inadequate that we cannot even make an effort in the direction in which the Constitution asks us to go. I think my friend Mr. Tyagi will see that the word 'strive' in this context is of great**

importance and it would be very wrong to delete it.”

[Emphasis supplied]

76. Dr. Ambedkar stated that our Constitution as a piece of mechanism lays down what is called parliamentary democracy. According to him, we established parliamentary democracy by employing the principle of ‘one man, one vote’. He further stated that by parliamentary democracy, it is meant that every Government should be on the anvil, both in its daily affairs and also at the end of a certain period when the voters and the electorate would be given an opportunity to assess the work done by the Government. According to him, the purpose of the political democracy was not to install by any means whatsoever a perpetual dictatorship of any particular body of people. According to him, when we establish political democracy, it was also the desire that we should lay down as our ideal economic democracy.

77. According to Dr. Ambedkar, the Constitution does not lay down a mechanism to enable people to come and capture power. It also wishes to lay down an ideal before those who would be forming the Government and that ideal is economic democracy. After referring to various ideologies, he stated that

the Drafting Committee has not deliberately used any principle which is fixed or rigid. He stated that the Drafting Committee has left enough room for people of different ways of thinking, with regard to the reaching of the ideal of economic democracy, to strive in their own way. They will persuade the electorate that it is the best way of reaching economic democracy.

78. Criticizing the argument that the Directive Principles have no value, Dr. Ambedkar stated that the Directive Principles have a great value, for they lay down that our ideal is economic democracy. In his view, no fixed or rigid formula would be laid down in the Constitution as to what our economic ideal or as to what our social order ought to be. He stated that one of the objects in framing the Constitution was also to prescribe that every Government, whoever is in power, shall strive to bring about economic democracy. Justifying the use of term “strive”, he stated that the intention of the Drafting Committee was that even when there are circumstances which prevent the Government, or stand in the way of the Government giving effect to the Directive Principles, they shall, even under hard and unpropitious circumstances, always strive in the implementation of the Directive Principles. He

stated that if this was not done, it would be open for any Government to say that the circumstances are so bad and that the finances are so inadequate that we cannot make an effort in the direction in which the Constitution asks us to go.

e. Inter-relationship between DPSP and Fundamental Rights

79. It is to be noted that after the Constitution came into effect on 26th January 1950, on several occasions, an issue arose for consideration before this Court with regard to the conflict between Directive Principles and Fundamental Rights.

80. Initially, this Court in a catena of judgments including ***State of West Bengal v. Subodh Gopal Bose and Others*²**, ***Dwarkadas Shrinivas v. Sholapur Spinning and Weaving Company Limited and Others*³** and ***State of West Bengal v. Bela Banerjee*⁴** took the view that whenever there was a conflict between the Directive Principles and the Fundamental Rights, the Fundamental Rights would prevail over the Directive Principles.

² (1953) 2 SCC 688 : 1953 INSC 89

³ (1953) 2 SCC 791 : 1953 INSC 92

⁴ (1953) 2 SCC 648 : 1953 INSC 85

81. An 11-Judges Bench of this Court in the case of ***I.C. Golak Nath and Others v. State of Punjab and Another***⁵, by a majority of 6:5, went to the extent of holding that the importance attached to the fundamental freedoms was so transcendental that a bill enacted by a unanimous vote of all the members of both the Houses was ineffective to derogate from its guaranteed exercise. The view with regard to untouchability of the Fundamental Rights was again reiterated by the Constitution Bench judgment of this Court in the case of ***Rustom Cavasjee Cooper v. Union of India***⁶ commonly known as the *Bank Nationalization Case* and another Constitution Bench judgment of this Court in the case of ***H.H. Maharajadhiraja Madhav Rao Jivaji Rao Scindia Bahadur of Gwalior v. Union of India and Another***⁷ commonly known as *Privy Purse Case*.

82. However, this conflict came to be resolved by a 13-Judges Constitution Bench judgment of this Court in the case of ***His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala and Another***⁸.

⁵ [1967] 2 SCR 762 : 1967 INSC 45

⁶ (1970) 1 SCC 248 : 1970 INSC 18

⁷ (1971) 1 SCC 85 : 1970 INSC 250

⁸ (1973) 4 SCC 225 : 1973 INSC 91

83. Though the Constitution Bench judgment of this Court ***Kesavananda Bharati*** (supra) is widely known for laying down the *Basic Structure Doctrine* which view is taken by the thin majority; insofar as the equal treatment of the Directive Principles and the Fundamental Rights is concerned, there is almost a uniformity.

84. The said judgment recognises that both the Fundamental Rights and the Directive Principles of the State Policy are *equally important* and that there is *no conflict* amongst them. It recognises that they are complementary to each other, and that they together are the *conscience of the Constitution*. It will be appropriate to refer to some of the observations made by this Court in the said case. J.M. Shelat and A.N. Grover, JJ., observed as under:

486.Parts-III and IV which embody the Fundamental Rights and Directive Principles of State Policy have been described as the conscience of the Constitution...

X X X X

489.The Directive Principles of State Policy set forth the humanitarian socialist precepts that were the aims of the Indian social revolution..... The Fundamental Rights and the Directive Principles were designed by the members of the Assembly to be the chief instruments in bringing about the great reforms of the social revolution..... They have helped to bring the Indian society closer to the

Constitution's goal of social, economic and political justice for all in the affirmative....".

85. K. S. Hegde and A. K. Mukherjea, JJ., observed thus:

"634.The Directive Principles embodied in Part-IV of the Constitution or at any rate most of them are as important as the rights of individuals....

X X X X

712.The fundamental rights and the Directive Principles constitute the 'conscience' of our Constitution. The purpose of the Fundamental Rights is to create an egalitarian society, to free all citizens from coercion or restriction by society and to make liberty available for all. The purpose of the Directive Principles is to fix certain social and economic goals for immediate attainment by bringing about a non-violent social revolution...."

86. A. N. Ray, J. (as His Lordship then was), observed thus:

"1015. ...The directive principles are also fundamental. They can be effective if they are to prevail over Fundamental Rights of a few in order to subserve the common good and not to allow economic system to result to the common detriment....

1044. ...Part III and IV of the Constitution touch each other and modify. They are not parallel to each other..."

87. P. Jaganmohan Reddy, J., observed thus:

"1161. ...What is implicit in the Constitution is that there is a duty on the Courts to interpret the Constitution and the laws, to further the Directive Principles which under Article 37, are fundamental

in the governance of the country....”

88. H. R. Khanna, J., observed thus:

“1480. ...The Directive Principles embody a commitment which was imposed by the Constitution-makers on the State to bring about economic and social regeneration of the teeming millions who are steeped in poverty, ignorance and social backwardness. They incorporate a pledge to the coming generations of what the State would strive to usher in....

1482. ...There should be no reluctance to abridge or regulate the fundamental right to property if it was felt necessary to do so for changing the economic structure and attain the objectives contained in the Directive Principles.”

89. K.K. Mathew, J., observed thus:

“1714.Therefore, the moral rights embodied in Part-IV of the Constitution are equally an essential feature of it, the only difference being that the moral rights embodied in Part-IV are not specifically enforceable as against the State by a citizen in a Court of law in case the State fails to implement its duty but, nevertheless, they are fundamental in the governance of the country and all the organs of the State, including the judiciary, are bound to enforce those directives...”

90. Y. V. Chandrachud, J. (as His Lordship then was),
observed thus:

“2002. ...Our decision of this vexed question must depend upon the postulate of our Constitution which aims at bringing about a synthesis between “Fundamental Rights” and the “Directive Principles of State Policy”, by giving to the former a pride of

place and to the latter a place of permanence. Together, not individually, they form the core of the Constitution. Together, not individually, they constitute its true conscience.”

91. Speaking for the majority, Chief Justice Y.V. Chandrachud, in the case of ***Minerva Mills Limited and Others v. Union of India and Others***⁹, observed thus:

“**56.**Parts-III and IV are like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy. They are like a twin formula for achieving the social revolution, which is the ideal which the visionary founders of the Constitution set before themselves. In other words, the Indian Constitution is founded on the bedrock of the balance between Parts-III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution.”

92. It will also be relevant to refer to the observations made by Justice P.N. Bhagwati (as His Lordship then was) in the case of ***Minerva Mills Limited*** (supra), who partly disagreed and held that though the amendment to Article 368 of the Constitution taking away the power of judicial review was invalid, the amendment to Article 31C of the Constitution expanding the scope was valid. Justice Bhagwati (as His

⁹ (1980) 3 SCC 625 : 1980 INSC 142

Lordship then was) observed thus:

“**107.**The Directive principles therefore, impose an obligation on the State to take positive action for creating socio-economic conditions in which there will be an egalitarian social order with social and economic justice to all, so that individual liberty will become a cherished value and the dignity of the individual a living reality, not only for a few privileged persons but for the entire people of the country. It will thus be seen that the Directive Principles enjoy a very high place in the constitutional scheme and it is only in the framework of the socio-economic structure envisaged in the Directive Principles that the Fundamental Rights are intended to operate, for it is only then they can become meaningful and significant for the millions of our poor and deprived people who do not have even the bare necessities of life and who are living below the poverty level.”

93. The importance given to the Directive Principles by the Higher Judiciary of the country could also be seen in the case of ***Waman Rao and Others v. Union of India and Others***¹⁰ wherein the validity of Maharashtra Agricultural Lands (Ceiling of Holdings) Act, 1975 was challenged. Rejecting the challenge, Y.V. Chandrachud, C.J. stated thus:

“**54.** ...In fact far from damaging the basic structure of the Constitution, laws passed truly and bona fide for giving effect to directive principles contained in clauses (b) and (c) of Article 39 will fortify that structure. We do hope that the Parliament will utilise to the maximum its potential to pass laws, genuinely and truly related to the principles contained in

¹⁰ (1981) 2 SCC 362 : 1980 INSC 216

clauses (b) and (c) of Article 39...”

f. Case Laws on clauses (b) and (c) of Article 39

94. The cases to which we are referring to hereinbelow would reveal as to how a widest possible interpretation has been given by this Court with regard to importance of Directive Principles while upholding various enactments and steps taken by the Legislature or the Executive for bringing social and economic justice.

95. In the case of ***Maharao Sahib Shri Bhim Singhji v. Union of India and Others***¹¹, the validity of the Urban Land (Ceiling and Regulation) Act, 1976, which provided for compulsory acquisition of the land beyond a particular ceiling limit, came up for consideration before a 5-Judges Bench of this Court, wherein, the majority of 3:2 upheld the enactment. Again V.R. Krishna Iyer, J., speaking for the majority, stated as under:

“**10.** ...It needs no argument to conclude that the objective of the legislation as set out in the long title and in the statutory scheme is implementation of Part-IV of the Constitution. The directive principles of State Policy being paramount in character and fundamental in the country's governance,

¹¹ (1981) 1 SCC 166 : 1980 INSC 219

distributive justice envisaged in Article 39(b) and (c) has a key role in the developmental process of the socialist republic that India has adopted...”

96. However, in the said case of ***Maharao Sahib Shri Bhim Singhji*** (supra), a note of caution was put by Y.V. Chandrachud, C.J., as under:

“**3.**It shows that the Act was passed with the object of preventing concentration of urban land in the hands of a few persons and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good. “Common good” being the writing on the wall, any disposal which does not serve that purpose will be outside the scope of the Act and therefore lacking in competence in diverse senses. Private property cannot under our Constitution be acquired or allotted for private purposes though an enabling power like that contained in sub-section (1) of Section 23 may be exercised in cases where the common good dictates the distribution of excess vacant land to an industry, as defined in clause (b) of the Explanation to Section 23.”

97. Again, before a 5-Judges Bench of this Court in the case of ***State of Tamil Nadu and Others v. L. Abu Kavur Bai and Others***¹², the nationalisation of transportation in the State of Karnataka was challenged on the ground that the compensation so provided was inadequate and there was no

¹² (1984) 1 SCC 515 : 1983 INSC 168

distribution of resources as provided under Article 39 (b) and (c) of the Constitution. S.M. Fazal Ali, J., speaking for the Bench, stated as under:

“**11.** ...although the directive principles are not enforceable yet the court should make a real attempt at harmonising and reconciling the directive principles and the fundamental rights and any collision between the two should be avoided as far as possible. ”

98. Insofar as the term “distribution” is concerned, this Court gave a wider meaning. It held that distribution cannot be given a narrower meaning of collecting from someone and distributing to others. This Court held that insofar as private transporters are concerned, their main aim would be to earn profit and, therefore, they would only provide transport services on the profit earning routes. However, on nationalization, the vehicles would go to remote villages even if the State did not earn any profit there from. It therefore held that providing facilities to the citizens residing in the remotest part of the country, would also amount to “distribution” within the meaning of Article 31(b) and (c) of the Constitution.

99. Then in the case of ***State of Maharashtra and Another***

v. Basantibai Mohanlal Khetan and Others¹³, the provision of Maharashtra Housing and Area Development Act, 1976 which provided for compulsory acquisition of the land at a meagre compensation and thereafter using that land for construction of the houses for houseless persons came to be challenged. An important factor is that in that enactment, there was no declaration that the law is protected under Article 31C of the Constitution. In spite of that, this Court rejected the challenge. It will be appropriate to refer to the words of E.S. Venkataramiah, J. (as His Lordship then was), which read thus:

“**13.**The question whether an Act is intended to secure the objects contained in Article 39 (b) or not does not depend upon the declaration by the legislature but depends on its contents. We have already dealt with the objects of the Act with which we are concerned in this case. It inter alia, makes provision for acquisition of private lands for providing sites for building houses or housing accommodation to the community. The title to the lands of the private holders which are acquired first vests in the State Government. Later on, the land is developed and then distributed amongst the people as house sites. It also provides for reserving land for providing public amenities without which people cannot live there. Community centres, shopping complexes, parks, roads, drains, playgrounds, are all necessary for civic life and these amenities are enjoyed by all. That is also a kind of distribution..... ”

¹³ (1986) 2 SCC 516 : 1986 INSC 40

100. It can thus be seen that in spite of there being no declaration that the law was protected under Article 31C of the Constitution, this Court itself examined, as to whether the enactment was taking further the mandate of Article 39(b) and (c) of the Constitution and upheld it on the ground that it is protected under Article 31C of the Constitution.

101. Then in the case of *Maharashtra State Electricity Board v. Thana Electric Supply Company and Others*¹⁴, the constitutional validity of Indian Electricity (Maharashtra Amendment) Act, 1976 was discussed. The issue under consideration was whether compensation should be awarded based solely on the depreciated value of the property and not on the basis of the prevailing market value. Again, in this case also, there was no declaration that the said Act was protected under Article 31C of the Constitution. M.N. Venkatachaliah, J. (as His Lordship then was) speaking for the Bench held thus:

“**28.** At the outset the misconception that an express legislative declaration in the legislation is condition precedent to the attraction of Article 31-C would, perhaps, require to be removed. The High Court, we say so with respect, was under a clear misconception on the point that an express incantation was necessary in the law itself. The nexus between the law and the objects of Article 39(b) could be shown

¹⁴ (1989) 3 SCC 616 : 1989 INSC 127

independently of any such declaration by the legislature.....”

“**48.** We accordingly hold that the provisions of Amending Act of 1976 have a direct and substantial relationship with the objects of Article 39(b) and, therefore, are entitled to the protection of Article 39-C. If the impugned law has such protection, as we indeed hold that it has, all challenges to it on the ground of violation of Articles 14, 19 and 31 must necessarily fail.....”

102. Similarly, in the case of *Tinsukhia Electric Supply Co. Ltd. v. State of Assam and Others*¹⁵, the challenge was to the acquisition of land on the ground that the compensation provided on the book value is totally illusory in nature. Again M.N. Venkatachaliah, J. (as His Lordship then was), stated as under:

“**62.** On an examination of the scheme of the impugned law the conclusion becomes inescapable that the legislative measure is one of nationalisation of the undertakings and the law is eligible for and entitled to the protection of Article 31C.”

103. In this background, the question that we will have to ask and answer is as to whether the steps taken by the State prior to 1980 or 1996 which are in furtherance of the avowed

¹⁵ (1989) 3 SCC 709 : 1989 INSC 128

objective of social and economic justice should be permitted to be frustrated or not.

g. Right to Shelter

104. This Court, in the case of ***Chameli Singh and Others v. State of U.P. and Another***¹⁶, though was considering an issue in the context of land acquisition, had elaborately discussed on the right to shelter. It will be apt to refer to the following observations of this Court:

“7. In *State of Karnataka v. Narasimhamurthy* [(1995) 5 SCC 524 : JT (1995) 6 SC 375] (SCC p. 526, para 7 : JT at p. 378, para 7), this Court held that right to shelter is a fundamental right under Article 19(1) of the Constitution. To make the right meaningful to the poor, the State has to provide facilities and opportunity to build houses. Acquisition of the land to provide house sites to the poor houseless is a public purpose as it is the constitutional duty of the State to provide house sites to the poor.

8. In any organised society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and

¹⁶ (1996) 2 SCC 549 : 1995 INSC 906

Convention or under the Constitution of India cannot be exercised without these basic human rights. **Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right.** As is enjoined in the Directive Principles, the State should be deemed to be under an obligation to secure it for its citizens, of course subject to its economic budgeting. In a democratic society as a member of the organised civic community one should have permanent shelter so as to physically, mentally and intellectually equip oneself to improve his excellence as a useful citizen as enjoined in the Fundamental Duties and to be a useful citizen and equal participant in democracy. The ultimate object of making a man equipped with a right to dignity of person and equality of status is to enable him to develop himself into a cultured being. Want of decent residence, therefore, frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself. To bring the Dalits and Tribes into the mainstream of national life, providing these facilities and opportunities to them is the duty of the State as fundamental to their basic human and constitutional rights.”

[Emphasis supplied]

105. A perusal of the said judgment in the case of **Chameli Singh** (supra) would show that this Court has held that *in any organised society, right to live as a human being is not ensured by meeting only the animal needs of a man*. It is secured only when he is assured of all the facilities to develop himself and is freed from restrictions which inhibit his growth. It has been held that right to live guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. It has been held that these are basic human rights necessary in order to ensure that a person lives life with dignity. It has been held that shelter for a human being is not a mere protection of his life and limb, but it is a home where he has opportunities to grow physically, mentally, intellectually and spiritually. It has been held that the State should be deemed to be under obligation to secure right to shelter for its citizens. However, this has to be subject to its economic budgeting. This Court has held that want of decent residence, therefore, frustrates the very object of the constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself. This Court emphasized that to bring the Dalits and

Tribes into the mainstream of national life, providing of such amenities is the duty of the State.

106. In another case titled ***Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan and Others***¹⁷, this Court observed thus:

“**13.** Socio-economic justice, equality of status and of opportunity and dignity of person to foster the fraternity among all the sections of the society in an integrated Bharat is the arch of the Constitution set down in its Preamble. *Articles 39 and 38* enjoin the State to provide facilities and opportunities. *Articles 38 and 46* of the Constitution enjoin the State to promote welfare of the people by securing social and economic justice to the weaker sections of the society to minimise inequalities in income and endeavour to eliminate inequalities in status. *In that case*, it was held that to bring the Dalits and the Tribes into the mainstream of national life, the State was to provide facilities and opportunities as it is the duty of the State to fulfil the basic human and constitutional rights to residents so as to make the right to life meaningful. In *Shantistar Builders v. Narayan Khimalal Totame* [(1990) 1 SCC 520] another Bench of three Judges had held that basic needs of man have traditionally been accepted to be three — food, clothing and shelter. The right to life is guaranteed in any civilised society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For an animal, it is the bare protection of the body; for a human being, it has to be a suitable accommodation which would allow him to grow in every aspect — physical, mental and

¹⁷ (1997) 11 SCC 121 : 1996 INSC 1189

intellectual. The surplus urban vacant land was directed to be used to provide shelter to the poor. In *Olga Tellis case* [(1985) 3 SCC 545] the Constitution Bench had considered the right to dwell on pavements or in slums by the indigent and the same was accepted as a part of right to life enshrined under Article 21; their ejectionment from the place nearer to their work would be deprivation of their right to livelihood. They will be deprived of their livelihood if they are evicted from their slum and pavement-dwellings. Their eviction tantamounts to deprivation of their life. The right to livelihood is a traditional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude life of its effective content and meaningfulness but it would make life impossible to live. The deprivation of right to life, therefore, must be consistent with the procedure established by law. In *P.G. Gupta v. State of Gujarat* [1995 Supp (2) SCC 182 : 1995 SCC (L&S) 782 : (1995) 30 ATC 47] another Bench of three Judges had considered the mandate of human right to shelter and read it into Article 19(1)(e) and Article 21 of the Constitution and the Universal Declaration of Human Rights and the Convention of Civic, Economic and Cultural Rights and had held that it is the duty of the State to construct houses at reasonable cost and make them easily accessible to the poor. The aforesaid principles have been expressly embodied and inbuilt in our Constitution to secure socio-economic democracy so that everyone has a right to life, liberty and security of the person. Article 22 of the Declaration of Human Rights envisages that everyone has a right to social security and is entitled to its realisation as the economic, social and cultural rights are indispensable for his dignity and free development of his personality. **It would, therefore, be clear that though no person has a right to encroach and erect structures or otherwise on footpaths, pavements or public streets or any other place reserved or earmarked**

for a public purpose, the State has the constitutional duty to provide adequate facilities and opportunities by distributing its wealth and resources for settlement of life and erection of shelter over their heads to make the right to life meaningful, effective and fruitful. Right to livelihood is meaningful because no one can live without means of his living, that is the means of livelihood. The deprivation of the right to life in that context would not only denude life of effective content and meaningfulness but it would make life miserable and impossible to live. It would, therefore, be the duty of the State to provide right to shelter to the poor and indigent weaker sections of the society in fulfilment of the constitutional objectives.”

[Emphasis supplied]

107. This Court in the aforesaid case of *Ahmedabad Municipal Corporation* (supra), while relying on the case of *Olga Tellis and Others v. Bombay Municipal Corporation and Others*¹⁸ wherein the surplus urban vacant land was directed to be used to provide shelter to the poor, reiterated the constitutional duty of State to provide adequate facilities and opportunities by distributing its wealth and resources for settlement of life and erection of shelter over their heads to make the right to life meaningful, effective and fruitful.

¹⁸ (1985) 3 SCC 545 : 1985 INSC 151

108. This Court had an occasion to consider the aforesaid two judgments of this Court, recently in the case of ***In Re: Directions in the matter of demolition of structures***¹⁹ to which one of us B.R. Gavai, J. (as he then was) was a Member, wherein this Court in unequivocal terms reiterated that the *Right to Shelter* is one of the facets of Article 21 of the Constitution.

109. The question therefore that we are called upon to consider is as to whether the shelter from the heads of lakhs of people who are living in the houses constructed for decades together should be permitted to be removed or not.

h. Right to Livelihood

110. This Court, in a catena of judgments including in the cases of ***Olga Tellis*** (supra), ***Consumer Education and Research Centre and Others v. Union of India and Others***²⁰, ***Common Cause, A Registered Society v. Union of India and Others***²¹ and ***Amarnath Shrine, In Re (Court on***

¹⁹ **2024 SCC OnLine SC 3291 : 2024 INSC 866**

²⁰ **(1995) 3 SCC 42 : 1995 INSC 76**

²¹ **(1999) 6 SCC 667 : 1999 INSC 299**

*its own Motion) v. Union of India and Others*²² has held the *Right to Livelihood* to be a Fundamental Right.

111. The question that we are also called upon to consider is as to whether the citizens of this country who have been allotted parcels of land and are undertaking agricultural activities thereon for decades together should now be deprived of their livelihood.

112. For a period ranging more than half a century, various public amenities like schools, government offices, public health centres, graveyards, cemeteries are existing on these lands for providing services to the citizens of this country residing in the *Zudpi* areas. The question that we will also have to answer is as to whether the citizens should be deprived of all these facilities on account of some bureaucratic mess caused by the negligence of the officials of the State Government at the time of reorganization of the States.

113. In our considered view, the answers to all these questions will have to be in the *negative*.

114. Our conclusion in this regard would be fortified by the

²² (2013) 3 SCC 247 : 2012 INSC 593

following chart which will show the purposes in all the districts for which the aforesaid land is being utilized:

District	Total Gat No.	Land use as per Govt. Record				Area under occupation (hectare)
		Residential (hectare)	Agricultural (hectare)	Public Purpose (hectare)	Public Utility (hectare)	
Nagpur	6308	55.89	2077.44	3762.09	5046.18	10941.6
Wardha	4687	16.06	1668.38	260.23	3116.36	5061.03
Bhandara	3778	34.61	627.01	337.34	1615.68	2614.64
Gondia	3099	3.87	595.87	105.57	1902.48	2607.79
Chandrapur	4098	24.0	1508.6	298.36	1712.64	3543.6
Gadchiroli	10939	16.72	7451.93	141.68	1012.44	8622.77
Total	32909	151.15	13929.23	4905.27	14405.78	33391.43

115. It is thus clear that the vast chunks of land have been utilized either for residential purposes or for agricultural purposes by the landless persons to whom the lands were allotted in order to earn their livelihood. Vast chunks of land have been utilized for providing public utilities like open ground, burial and burning ground, etc. Vast chunks of land have been utilized for public utilities such as primary health centres, schools, anganwadi centres, offices of the Central Government as well as the State Government and the other establishments belonging to the State Government and the

Central Government or the local government. Not only that but vast chunks of land have also been utilized for the purposes of defence services including the Army and the Air Force.

116. The citizens who are residing in the houses built on these lands for decades together cannot be permitted to be dishoused. The agriculturists who have been allotted lands for their livelihood in order to give effect to the promise of social and economic equality to the citizens of this country cannot be deprived of their livelihood at this stage. The citizens cannot be deprived of public amenities which are essential for living in their day-to-day life in a dignified manner.

i. Sustainable Development

117. Another aspect that needs to be considered is the balance between environmental protection and the need for sustainable development. It will be apt to refer to paras 87-88 of the judgment of this Court in the case of ***State of Uttar Pradesh and Others v. Uday Education and Welfare Trust and Others***²³, which read thus:

“**87.** It cannot be disputed that Section 20 of the NGT Act itself directs the learned Tribunal to apply the principles of sustainable development, the

²³ **2022 SCC OnLine SC 1469 : 2022 INSC 1129**

precautionary principle and the polluter pays principle. Undisputedly, it is the duty of the State as well as its citizens to safeguard the forest of the country. The resources of the present are to be preserved for the future generations. However, one principle cannot be applied in isolation of the other.

88. It is necessary that, while protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck.”

118. Much prior to that, this Court, in the case of ***Vellore Citizens’ Welfare Forum v. Union of India and Others***²⁴, had an occasion to consider the conflict between the development and ecology. This Court observed thus:

“**10.** The traditional concept that development and ecology are opposed to each other is no longer acceptable. “Sustainable Development” is the answer. In the international sphere, “Sustainable Development” as a concept came to be known for the first time in the Stockholm Declaration of 1972. Thereafter, in 1987 the concept was given a definite shape by the World Commission on Environment and Development in its report called “Our Common Future”. The Commission was chaired by the then Prime Minister of Norway, Ms G.H. Brundtland and as such the report is popularly known as “Brundtland Report”. In 1991 the World Conservation Union, United Nations Environment Programme and Worldwide Fund for Nature, jointly came out with a document called “Caring for the Earth” which is a strategy for sustainable living. Finally, came the Earth Summit held in June 1992 at Rio which saw the largest gathering of world

²⁴ (1996) 5 SCC 647 : 1996 INSC 952

leaders ever in the history — deliberating and chalking out a blueprint for the survival of the planet. Among the tangible achievements of the Rio Conference was the signing of two conventions, one on biological diversity and another on climate change. These conventions were signed by 153 nations. The delegates also approved by consensus three non-binding documents namely, a Statement on Forestry Principles, a declaration of principles on environmental policy and development initiatives and Agenda 21, a programme of action into the next century in areas like poverty, population and pollution. During the two decades from Stockholm to Rio “Sustainable Development” has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting ecosystems. “Sustainable Development” as defined by the Brundtland Report means “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”. We have no hesitation in holding that “Sustainable Development” as a balancing concept between ecology and development has been accepted as a part of the customary international law though its salient features have yet to be finalised by the international law jurists.”

119. The principle of *Sustainable Development* as a balancing concept between ecology and development has been accepted as a part of the Customary International Law by this Court in various judgments including ***S. Jagannath v. Union of India and Others***²⁵, ***Consumer Education & Research Society v.***

²⁵ (1997) 2 SCC 87 : 1996 INSC 1466

***Union of India and Others*²⁶, *Intellectuals Forum, Tirupathi v. State of A.P. and Others*²⁷ and *Tata Housing Development Company Limited v. Aalok Jagga and Others*²⁸.**

120. As discussed hereinabove, on the land in question, various developmental activities have already been undertaken *viz.* irrigation dams have been constructed, roads have been laid down, schools, public health centres, other public utilities, facilities have been provided for the citizens. All these public utilities are necessary for the citizens living in the areas. We have annexed herewith the list of various institutions/buildings/residential areas/public utilities which will be affected in the city of Nagpur. The said list would show that even the buildings wherein the High Court, the High Court Judges' residences, the State Governments' Secretariat, the Central Government's buildings, the Defence Buildings, the Air Force buildings, the establishment of Agricultural University, the graveyards etc. are situated, they all would be affected.

²⁶ (2000) 2 SCC 599 : 2000 INSC 81

²⁷ (2006) 3 SCC 549 : 2006 INSC 101

²⁸ (2020) 15 SCC 784 : 2019 INSC 1203

j. Effect of CEC's recommendations

121. Another reason that persuades us to accept the recommendations of the CEC is that the CEC has recommended that all allotments for commercial purposes post 25th October 1980 must be treated at par with encroachments. It is recommended that a Special Task Force comprising of a Sub-Divisional Magistrate, Deputy Superintendent of Police, an Assistant Conservator of Forests and a Taluka Inspector of Land Records should be constituted in each district so as to demolish encroachments. It has been recommended that these officials be posted only for this purpose and that they will not be assigned any other duty. It has also been recommended that the said exercise should be completed within a period of two years.

122. The CEC has further recommended that the State Government shall ensure that the land use is not changed in the future under any circumstances and that the transfer is permitted only by inheritance. Insofar as allotment of land post 12th December 1996 is concerned, the CEC has recommended that the State Government shall give reasons as to why such allotments were done along with the list of officers

who made such allotments in violation of the orders of this Court. It has further recommended that the Central Government shall process such proposals under the provisions of Section 2(ii) of the FC Act, 1980 only after ensuring that the suitable punitive action has been taken against the concerned officials under Sections 3-A and 3-B of the FC Act, 1980.

123. It can be seen from the letter dated 19th/22nd September 2003 addressed by the MoEF&CC to the Secretaries of all the State Governments and Union Territories clarifying therein that the NPV will be charged in all those cases which have been granted in-principle approval after 30th October 2002. The said letter stated that NPV will be realized before Stage-II (Final) approval.

124. It is thus clear that even according to MoEF&CC, the NPV has to be charged where in-principle approval has been granted after 30th October 2002. A perusal of the record would reveal that in the present case Stage-I approval has been granted much prior to 30th October 2002. In this background, the FAC in its meeting dated 26th October 2017 has favourably considered the request of the Government of Maharashtra for

exemption from payment of NPV. In this background, the contention that the NPV should be charged from the persons who were in possession of the said lands, in our view, would not be tenable. In any case, the ground realities would not permit the same to be done. As already discussed hereinabove, the land admeasuring 33391.43 hectares has been largely utilized for residential purposes, for agricultural purposes by the landless persons to whom it was allotted and for public utilities as well as public purposes like cemeteries, cremation grounds, government offices, schools, primary health centres, anganwadi centres etc.

125. As we have already held hereinabove, the said land has been utilized to take further the avowed object of the Constitution of distributive justice. It could have been a different matter had the said land been utilized in order to promote the vested interest of a few individuals. In any case, the CEC itself has recommended that insofar as allotment for commercial purposes and encroachment is concerned, the said recommendation would not be applicable.

126. It has been recommended by the FAC that the NPV shall not be collected from the State Government for diversion

proposals submitted under the FC Act, 1980 where *Zudpi* land has been put to non-forestry use before 12th December 1996. The CEC after considering the larger public interest in this respect has given its recommendations. The said recommendations depict a balanced approach.

127. The CEC, given the peculiar circumstances and significance of *Zudpi* Jungle lands, discussed the issue in detail and recommended that the State Government in respect of *Zudpi* Jungle lands allotted by the competent authority before 12th December 1996 shall seek approval under Section 2(i) of the FC Act, 1980 for their deletion from the “List of the Forest Areas”. It has been recommended that a consolidated proposal shall be submitted by the Government of Maharashtra for each district. It has been recommended that the Central Government would take a decision on the said proposal on its own merits. It has further been recommended that all activities for which lands have been allotted by the competent authority would be deemed to be site specific and no condition for compensatory afforestation or depositing NPV levies may be imposed by the Central Government while processing such proposals.

128. It is further to be noted that there is not much change between the recommendations as made in the 2019 CEC Report and 2025 CEC Report except the payment of NPV. It is further to be noted that the FAC itself in its meeting dated 26th October 2017 had favourably accepted the request of the State Government for exemption from payment of NPV.

129. As already discussed hereinabove, the Report of the CEC has been prepared after undertaking a huge exercise of site inspections, collection of huge data from all the districts and verification thereof by the District Collectors. The recommendations also balance the rights of the citizens accrued for past several decades much prior to 1980 or 1996, the developmental activities already undertaken and the need to provide a larger green coverage.

130. Though we are largely in agreement with the other recommendations of the CEC, we are not inclined to accept the recommendation of the CEC that the *Zudpi* land can be used for compensatory afforestation instead of non-forest land without insisting on the Chief Secretary's certificate regarding the non-availability of non-forest land. Though the CEC has recommended that in such cases compensatory afforestation

must be carried out on double the area of *Zudpi* Jungle land as per the existing guidelines of MoEF&CC, we are not inclined to accept the said recommendation. Accepting such a recommendation would amount to deviating from the order passed by this Court dated 12th December 1996 and the specific directions issued by this Court on 4th March 2025 in the case of ***Ashok Kumar Sharma, Indian Forest Service (Retd.) and Others v. Union of India and Another***²⁹.

131. We therefore reject the said recommendation and hold that the *Zudpi* Jungle land can be considered for the purposes of compensatory afforestation only if there is a Chief Secretary's certificate regarding non-availability of non-forest land. Only in such cases, the compensatory afforestation would be carried out on double the area of *Zudpi* Jungle land as per the existing guidelines of MoEF&CC.

132. We further find that the interest of providing a larger green cover can be taken care of by issuing stringent directions to the State of Maharashtra.

133. In this regard, we reproduce the following chart which is a

²⁹ **Writ Petition (C) No. 1164 of 2023**

part of the Report of the CEC:

S.N.	Description	Area in hectare
i.	Already been handed over to the Forest Department	6,55,619
ii.	Zudpi jungle land was reclassified by the Revenue Department into other categories up to 12.02.1992	89,768.39
iii.	Zudpi jungle land for which notifications u/s 4 of IFA, 1927 have been issued	92,116
iv.	The total area allotted by the revenue department for various non-forestry activities	33,391.43
v.	The total area of fragmented land parcels (each plot having an area less than 3 ha. and not adjoining any forest area)	29,032.622
vi.	Total area under encroachment	10,827.532
	Total	9,10,754.974

134. The chart would show that out of an area of 9,23,913 hectares, an area of 6,55,619 hectares has already been handed over to the Forest Department and an area of 89,768.39 hectares was reclassified by the Revenue Department into other categories up to 12th February 1992. A notification under Section 4 of the Indian Forest Act, 1927 has already been issued in respect of the land admeasuring 92,116 hectares. The CEC

has also recommended that the total area of land admeasuring 29,032.622 hectares that is the plots having an area of less than 3 hectares and not adjoining any forest area to be transferred to the Forest Department. The various non-forestry activities for the lands admeasuring 33,391.43 hectares allotted by the Revenue Department have already been discussed hereinabove. We find that the interest of providing larger green coverage can be achieved by directing the State Government to utilize the aforesaid area of 7,76,767.622 hectares for the purposes of afforestation within a specified period.

135. We find that the concern for providing larger green coverage can be ensured by directing the Revenue Department of the State of Maharashtra to hand over the remaining area out of the aforesaid area of 7,76,767.622 hectares to the Forest Department which would be utilized by the State Government for afforestation. We further find that a direction to the State Government to complete the process of handing over the possession from the Revenue Department to the Forest Department in respect of the aforesaid land would ensure the use of the said land for afforestation in an expeditious manner.

136. Insofar as the concern expressed by Smt. Divan that if the recommendations of CEC are accepted, it will lead to denotifying forest areas where the forests have been degraded is concerned, the said apprehension is not correct. The CEC has itself recommended that *Zudpi* Jungle land shall be considered as “Forest Lands” on account of peculiarity of the circumstances. It has also recommended that the recommendations shall not be permitted to be treated as precedent. In any case after 12th December 1996, no forest could be denotified or used for non-forestry purpose except with the permission of the Central Government under the FC Act, 1980.

137. Before we part with this judgment, we will also reiterate the issue that we had covered in our recent judgment dated 15th May 2025 in the present proceedings in the case of ***In Re: Construction of Multi Storeyed Buildings in Forest Land Maharashtra***³⁰. In the said case, we had noticed that various parcels of land which were notified as forest lands were still in possession of the Revenue Department. We noticed that the Revenue Department despite resistance from the Forest

³⁰ **2025 INSC 701**

Department had allotted the lands to the private individuals/institutions for non-forestry purposes. We had noticed that this had the effect of reducing vital green cover. We therefore issued directions to all the States and the Union Territories to hand over the possession of such lands to the Forest Department. We had further directed that if on account of such lands already being converted for non-forest activities, it was found that taking back the possession of the land would not be in larger public interest, then the States/Union Territories should recover the cost of the land from such individuals/institutions and use the said amount for the purpose of afforestation, restoration and conservation of the forest. At the cost of repetition, in order to emphasize the need for protection and enhancement of green coverage, we will reiterate the said directions in the present matter also.

VI. CONCLUSION:

138. In the result, the present IAs are disposed of in the following terms:

- (i) It is directed that the *Zudpi* Jungle lands shall be considered as Forest lands in line with the order of

this Court dated 12th December 1996 in the present proceedings;

- (ii) In the peculiar facts and circumstances of the present case, we direct that as an exception, and without the same being treated as a precedent whatsoever for any matter, the *Zudpi* Jungle lands allotted by the competent authority up to 12th December 1996 and for which land classification has not been changed, the State of Maharashtra shall seek approval under Section 2 of the Forest (Conservation) Act, 1980 for their deletion from the “List of Forest Areas”;
- (iii) We direct that the State of Maharashtra shall submit a consolidated proposal for each district. We clarify that all activities for which lands have been allotted by the competent authority will be deemed to be site-specific. We further clarify that the State Government shall ensure that the land used is not changed in the future under any circumstances and transfer is made only by inheritance;

- (iv) We direct that on receipt of such proposals, the Union of India shall consider and approve the same without imposing any condition for compensatory afforestation or depositing NPV levies;
- (v) We direct that the Union Government and the State of Maharashtra shall with mutual consultation and with prior approval of the CEC, devise a format for processing the proposal of diversion of *Zudpi* Jungle land for non-forestry activities within a period of three months from the date of this judgment;
- (vi) For proposal regarding the allotments of *Zudpi* Jungle lands made post 12th December 1996, the State of Maharashtra shall give reasons in the proposal as to why such allotments were made along with the list of officers who had made such allotments in violation of the order of this Court. We clarify that the processing of proposal for such allotments shall be done by the Union Government *only* after ensuring that punitive action has been taken against the concerned officers under Sections 3A and 3B of the Forest (Conservation) Act, 1980;

- (vii) We direct that the State of Maharashtra shall declare all the unallotted “fragmented land parcels” (each having an area of less than three hectare and not adjoining any forest area) as “Protected Forests” under Section 29 of the Indian Forest Act, 1927;
- (viii) We further direct the State of Maharashtra to issue directions to all the concerned Sub-Divisional Magistrates (SDMs) to ensure that no such land parcel is encroached upon hereinafter. It is further directed that if any such encroachment takes place after the date of this judgment, the concerned SDM shall be made responsible for the same;
- (ix) We clarify that, as and when these lands are required for non-forestry purposes by the State Government, the proposal shall be submitted as per the provisions of the Forest (Conservation) Act, 1980. We further clarify that, in no case any such land shall be diverted to any non-governmental entity for any purpose whatsoever;

(x) We further direct that a Special Task Force comprising of Sub-Divisional Magistrate, Deputy Superintendent of Police, an Assistant Conservator of Forests and a Taluka Inspector of Land Revenue of land records should be constituted in each district to remove encroachments within a period of two years from the date of this judgment. We clarify that these officials will be posted only for this purpose and will not be assigned any other duty. We further clarify that all allotments for commercial purpose post 25th October 1980 must be treated at par with encroachments;

(xi) We further direct that the Revenue Department of the State of Maharashtra shall hand over the possession of the remaining area, if any, from the aforesaid area of 7,76,767.622 hectares, which is still in possession of the Revenue Department to the Forest Department. The same shall be done within a period of one year from the date of this judgment. We clarify that the said land shall be utilized only for the purpose of compensatory afforestation;

(xii) We direct the CEC to monitor the progress of the aforesaid transfer of the forest land. We further direct that the *Zudpi* land will not be permitted to use for compensatory afforestation unless there is a certificate of the Chief Secretary regarding the non-availability of non-forest land for the purposes of afforestation. However, in such cases, compensatory afforestation must be carried out on double the area of *Zudpi* Jungle land, as per the existing guidelines of the MoEF&CC;

(xiii) As already directed in the recent case of ***In Re: Construction of Multi Storeyed Buildings in Forest Land Maharashtra*** (supra) dated 15th May 2025, we reiterate our direction to the Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute Special Investigation Teams for the purpose of examining as to whether any of the Forest Land in the possession of the Revenue Department has been allotted to any private individuals/institutions for any purpose other than the forestry purpose; and

(xiv) We further reiterate our directions to the State Governments and the Union Territories to take steps to take the possession of the land from the persons/institutions in possession of such lands and hand over the same to the Forest Department. In case, it is found that taking back the possession of the land would not be in the larger public interest, the State Governments/Union Territories should recover the cost of the said land from the persons/institutions in occupation thereof and use the said amount for the purpose of development of forests.

139. We place on record our appreciation for the valuable assistance rendered by Shri K. Parameshwar, learned *amicus curiae* ably assisted by Ms. Kanti, Mr. M.V. Mukunda, Ms. Raji Gururaj and Mr. Shreenivas Patil, learned counsel, Smt. Madhavi Divan, learned Senior Counsel appearing for the intervenor and Shri Sidharth Dharmadhikari, learned counsel appearing for the State. We direct the State of Maharashtra to pay an amount of Rs.5,00,000/- to Shri K. Parameshwar, learned *amicus curiae* and Rs.2,50,000/- each to Ms. Kanti,

Mr. M.V. Mukunda, Ms. Raji Gururaj and Mr. Shreenivas Patil, learned counsel as a token for the valuable services rendered by them.

140. We also place on record our deep appreciation for the voluminous exercise undertaken by the CEC and in assisting this Court to arrive at a solution that would balance the rights of the citizens at large on one hand and the interest of the environment on the other hand.

Encl: Annexure-1 to the Report of the Committee for suggesting changes required in simplified procedure for diversion of Zudpi Jungle Land under Forest Conservation Act, 1980 titled as “*Resolving Zudpi Jungle Land Issue : A Development Perspective*” chaired by Divisional Commissioner, Nagpur.

.....CJI
(B.R. GAVAI)

.....J
(AUGUSTINE GEORGE MASIH)

**NEW DELHI;
MAY 22, 2025.**

Annexure – I					
Tahsil - Nagpur					
Sr. No.	Name of Village	Survey No.	Area of S. No. (in ha)	User Name	Type of Use
1	2	3	4	5	6
1	Ajni	8	0.40	Mhada	Mhada Quarter Since 1970
		9	9.79	Mhada	House, Play Ground
2	Jat Tarodi	14	0.63	Nagpur Improvement Trust	Residential Area
		16	0.35	Nagpur Improvement Trust	Residential Area
		22	0.11	Nagpur Improvement Trust	Residential Area
3.	Dhantoli	305/5	0.05	Nagpur Improvement Trust	Residential Area
4.	Lendra	79/5	15.52	Dr. Punjabrao Agr. University	Agri. Research
		83/4	12.64	Dr. Punjabrao Agr. University	Agriculture
		83/4/1	0.47	MSRTC	Bust Stand
		89/1	3.92	Govt. Building	Govt. Building
		142/2	0.60	Dr. Punjabrao Agr. University	Residential Area
		178	0.06	Dr. Punjabrao Agr. University	RCF Building
		217/1	27.65	Dr. Punjabrao Agr. University	Agriculture
		219/1	4.02	Dr. Punjabrao Agr. University	Agriculture
		226	0.12	Dr. Punjabrao Agr. University	Agriculture Market
		303	1.83	Dr. Punjabrao Agr. University	Open Space, Water Body
		26 B	0.02	Govt. Land Nazul	Building
		91/2	0.77	Hadas High School	Education Institute

		228/2	0.45	Cotton Research Centre	Residential Area
		229/1	0.95	Cotton Research Centre	Residential Area
		232/2	1.81	Dr. Punjabrao Agr. University	Girls Hostel
		233/1	2.15	ICAR	Residential Area
		245/2	0.04	ICAR	Residential Area
		246/1	0.70	ICAR	Residential Area
		248/1	0.23	Nagpur Improvement Trust	Residential Area
		256	0.65	Nagpur Improvement Trust	Office
		257/1	2.13	Nagpur Improvement Trust	Education Institute
		279	0.05	Nagpur Improvement Trust	Education Institute
		78/2-3	0.38	Nagpur Improvement Trust	Education Institute
		80/1	0.01	Nagpur Improvement Trust	Maharaj Bag
		80/2	0.12	Nagpur Improvement Trust	Maharaj Bag
		89/8	7.69	Nagpur Improvement Trust	Commercial Building
		91/3	0.35	Nagpur Improvement Trust	In possession of NIT
		217/4,219/2	2.71	Nagpur Improvement Trust	Diksha Bhumi
		221/1, 22/2	3.77	Nagpur Improvement Trust	Diksha Bhumi
		220/1, 224/1	6.86	Nagpur Improvement Trust	ITI Building
		234/2	0.07	Nagpur Improvement Trust	Residential Area
		244	0.80	Nagpur Improvement Trust	Residential Area
		247/2	0.81	Nagpur Improvement Trust	Residential Area
		302/2	0.92	Nagpur Improvement Trust	Forensic Lab

		242	0.07	Govt. Body	Garden
		243/1	0.11	Govt. Body	Garden
		243/2	0.10	Forest Deptt.	Garden
		79/1	2.81	Govt. Nazul	Building
		67	1.97	Somalwar High School	Education Institute
5	Khamla	72/4	2.69	Private land	Pandey Layout
		73/4	7.37	Private land	Pandey Layout
		88/2	0.40	Nagpur Municipal Corp	Grave Yard / Cemetery
		75/12,13 78/8,9,10	0.76	Residential	Nagpur Improvement Trust Layout
6.	Ambazari	29	1.66	Nagpur Municipal Corp	Grave Yard / Cemetery
		8/3	0.04	Nagpur Improvement Trust	Boundary of Water Body
		24	1.94	VNagar Improvement Trust Univ	Education Institute
		37/2	2.37	Nagpur Improvement Trust	Sweeming Pool
		40	0.96	Nagpur Improvement Trust	Building of Nagpur Improvement Trust
		42/1	2.19	Dharampeth High School	Education Institute
		44/2	0.15	Nagpur Improvement Trust	Ambazari Garden
		53/2	1.05	Residential	Nagpur Improvement Trust
		52/2	7.11	Residential	Nagpur Improvement Trust
7.	Binaki	16	0.21	Grave Yard / Cemetery	For public use
		32	0.07	Grave Yard / Cemetery	For public use
		44	0.65	Grave Yard / Cemetery	For public use

		91	0.05	Grave Yard / Cemetery	For public use
		103	0.44	Grave Yard / Cemetery	For public use
		154	0.29	Grave Yard / Cemetery	For public use
		77	0.33	Grave Yard / Cemetery	For public use
		26	0.85	Nagpur Improvement Trust	Residential Area
8.	Shivangaon	134/2	0.29	MIHAN	Grave Yard For public use
		171	0.87	MIHAN	Grave Yard For public use
		172	0.14	MIHAN	Grave Yard For public use
9	Chichbhuwan	236	1.65	Nagpur Municipal Corp	Grave Yard For public use
		153	0.03	Nagpur Municipal Corp	Residential Purpose
		154	0.04	Nagpur Municipal Corp	Residential Purpose
10	Jaitala	22/2	0.21	Nagpur Municipal Corp	Grave Yard / Cemetery
		34/2	2.83	Nagpur Municipal Corp	Grave Yard / Cemetery
		103	2.17	Nagpur Municipal Corp	Grave Yard / Cemetery
11	Bhamti	60/2	0.71	Railway Deptt.	Railway Line & Ring Road
12	Dhabha	168	9.34	Police Deptt.	Govt. Building
		175/1	23.86	Police Deptt.	Govt. Building
		175/2	10.43	Defence Ministry	Air Force Building
		177	0.77	Defence Ministry	In possession of Air Force
		178/1	13.94	Agriculture Deptt.	Agri. Research
		178/2	2.09	Defence Ministry	Air Force Building
13	Hajari Pahad	54	0.17	Khadan	Khadan
		83	0.25	Nagpur Municipal Corp	Grave Yard / Cemetery

		87	0.05	Nagpur Municipal Corp	Grave Yard / Cemetery
		91/2	0.93	Houses	Grave Yard / Cemetery
		91/3	3.16	Houses	
		109/1	25.30	Dr. Punjabrao Agr. University	Agri. Research
		109/2	55.77	Dr. Punjabrao Agr. University	Agri. Research
		111	0.05	Defence Ministry	In possession of Air Force
		113	30.40	Defence Ministry	In possession of Air Force
14	Telangkhedi	10/1	28.42	Mah. Animal Husbandry & Fisheries University	Education Institute
		10/2	0.93	Defence Ministry	Air Force Building
		12/1	6.77	Defence Ministry	In possession of Air Force
		12/2	1.22	Defence Ministry	In possession of Air Force
		13	23.20	Defence Ministry	In possession of Air Force
		53	0.09	Defence Ministry	In possession of Air Force
		54/2	1.55	Defence Ministry	In possession of Air Force
		64/1	0.48	Defence Ministry	In possession of Air Force
		64/3	0.01	Defence Ministry	In possession of Air Force
		67/6	29.71	Central Govt.	T.V. Office, Workshop of IBM
		69	1.12	Central Govt.	
		70/2	0.25	N M C Water Deptt.	Water pipeline & Houses
		71	0.57	N M C Water Deptt.	Water pipeline & Borgaon Road
		73	3.17	N M C Water Deptt.	Water pipeline & Houses
		77/2 part	0.27	N M C Water Deptt.	Water pipeline & Houses

		90	0.16	N M C Water Deptt.	Water pipeline & Houses
		92	10.95	SSC Collage, Church	Education Institute
		95	1.04	C.P. Club	Club
		98/1	0.50	Nazul Deptt.	Govt. Building
		98/2	8.85	Nazul Deptt.	Mother Diary
		107	0.61	Health Deptt.	Govt. Building
		110	0.09	PWD Deptt.	Govt. Building
		112/1	4.1	Govt. Deptt.	Govt. Building
		112/2	0.93	C.P. School	Education Institute
		112/3	0.48	C.P. School	Education Institute
		112/4	0.60	C.P. School	Education Institute
		65/1	0.45	Govt. Deptt.	Residential Area
		65/3	0.02	Govt. Deptt.	Residential Area
		65/4	6.25	Central Govt.	MECL
15	Futala	2/1	79.11	Dr. Punjabrao Agr. University	Agri. Research
		2/2	44.51	Dr. Punjabrao Agr. University	Agri. Research
		2/3	20.00	Dr. Punjabrao Agr. University	Agri. Research
		14/1	11.00	PWD Deptt	Govt. Building
		14/1 A	0.06	Rev. Deptt	Religious Structure
		14/4	0.01	Police Deptt.	Police Station
		15/1	1.66	PWD Deptt.	Govt. Building
		15/4	1.48	PWD Deptt.	Govt. Building
		17/3	0.64	PWD Deptt.	Govt. Building
		17/7	0.30	School	Education Institute
		13/3	23.06	Dr. Punjabrao Agr. University	Agri. Research
		13/1	13.19	Dr. Punjabrao Agr. University	Agri. Research

		14/2	0.01	Electricity Deptt (MSEB)	Transformer
		14/3, 15/6	0.30	School	Education Institute
16	Kachimate	6,7,8	2.15	Dr. Punjabrao Agr. University	Agri. Research
		11	5.02	Dr. Punjabrao Agr. University	Agri. Research
		13,14	11.91	Dr. Punjabrao Agr. University	Agri. Research
		17,18	0.80	Dr. Punjabrao Agr. University	Agri. Research
		40	3.37	Central Govt.	Staff Quarter BSNL
		44/1	26.88	Nagpur Municipal Corp	Ambazari Lake
		44/2	4.86	Nagpur University	Education Institute
		44/3	100.00	Central Govt.	Cirtus Research Centre
17	Takli Sim	2	14.00	Nagpur Municipal Corp	Ambazari Lake
18	Pandhabodi	29	1.98	Nagpur Improvement Trust	Residential Area
		13/1	0.49	Nagpur Improvement Trust	Residential Area
		14	0.02	Nagpur Improvement Trust	Residential Area
		32	0.28	Nagpur Improvement Trust	Residential Area
19	Dharampeth	2/4	0.80	Central Govt.	Govt. Building
		2/5	0.04	Central Govt.	Govt. Building
		17/2	0.05	PWD Deptt.	High Judges Bungalow
		19/3	0.06	Central Govt.	Residential Area
		20/2	0.19	Agriculture Deott.	Office
		23	7.41	Nazul Deptt.	Tiger Camp Ground
		19/2	5.81	Agriculture Deptt.	Office
		27	1.13	PWD Deptt.	Govt. Building
		29	0.81	PWD Deptt.	Govt. Building

		33/1-3-5	3.16	Forest Deptt.	Garden
		35/1-2	0.36	C.P. Club	Club
		35/3	2.52	Irrigation Deptt.	Rest House
		50	0.78	PWD Deptt.	Office
		67	0.08	PWD Deptt.	Judial Officer Resedence
		72	1.82	PWD Deptt.	Govt. Building
		73/1	1.44	PWD Deptt.	Govt. Building
		73/2	0.85	PWD Deptt.	Govt. Building
		75/2	0.79	PWD Deptt.	Govt. Building
		78/2	0.11	Z.P.	Govt. Building
		78/4	0.19	PWD Deptt.	Road
		80	0.11	PWD Deptt.	MLA Hostel
		82/4	1.00	PWD Deptt.	Residential Area
		77/1	0.97	PWD Deptt.	Residential Area
20	Gadga	27/11	0.11	Nagpur Improvement Trust	Residential Area
		31	0.19	Nagpur Improvement Trust	Residential Area
		32	0.38	Nagpur Improvement Trust	Residential Area
		35	1.94	Nagpur Improvement Trust	Residential Area
21	Borgaon	4	0.53	Defence Ministry	Firing Range
		5	0.08	Defence Ministry	Firing Range
		6	0.53	Defence Ministry	Firing Range
		7	0.24	Defence Ministry	Firing Range
		8	7.58	Defence Ministry	Firing Range
		9	4.66	Defence Ministry	Firing Range
		10	2.60	Defence Ministry	Firing Range
		11	3.69	Defence Ministry	Firing Range
		12	2.79	Defence Ministry	Firing Range
		13	1.57	Defence Ministry	Firing Range
		14	5.42	Defence Ministry	Firing Range
		15	13.77	Defence Ministry	Firing Range
		16	0.72	Defence Ministry	Firing Range
		17/1-2	5.44	Defence Ministry	Firing Range

		19/1	0.12	Defence Ministry	Firing Range
		63/1	1.67	Defence Ministry	Firing Range
		64	5.71	Defence Ministry	Firing Range
		65	3.14	Defence Ministry	Firing Range
		66/1	0.28	Defence Ministry	Firing Range
		67/2	0.96	Defence Ministry	Firing Range
		68	3.36	Defence Ministry	Firing Range
		69	0.45	Defence Ministry	Firing Range
		70	0.49	Defence Ministry	Firing Range
		71	5.09	Defence Ministry	Firing Range
		72/2	8.59	Defence Ministry	Firing Range
		73/2	3.64	Defence Ministry	Firing Range
		74/2	1.98	Defence Ministry	Firing Range
		77/2	0.70	Defence Ministry	Firing Range
		78/2	0.02	Defence Ministry	Firing Range
		110/2	1.98	Defence Ministry	Firing Range
		121/1	0.51	Defence Ministry	Firing Range
		140/2	1.98	Defence Ministry	Firing Range
		141/2	0.49	Defence Ministry	Firing Range
		142/2	0.17	Defence Ministry	Firing Range
		143/2	0.13	Defence Ministry	Firing Range
		144/1	0.51	Defence Ministry	Firing Range
		145	0.19	Defence Ministry	Firing Range
		148/2	3.30	Defence Ministry	Firing Range
		149	3.20	Defence Ministry	Firing Range
		150	2.26	Defence Ministry	Firing Range
		151	6.21	Defence Ministry	Firing Range
		152	2.91	Defence Ministry	Firing Range
		153	0.51	Defence Ministry	Firing Range
		154	3.28	Defence Ministry	Firing Range
22	Gorewada	58/1-2-3	2.30	Nagpur Municipal Corp	Grave Yard / Cemetery
		102/2, 103/1, 103/2K, 103/3K, 103/4Kh	6.32	Defence Ministry	Firing Range

		106	19.55	Nagpur Municipal Corp	Water Work
		110	6.58	Forest Deptt.	Forest Use
		112	8.47	Forest Deptt.	Forest Use
		113	0.65	Nagpur Municipal Corp	Gorewada Water Tank
		115	1.68	Nagpur Municipal Corp	Gorewada Water Tank
		121	10.44	Forest Deptt.	Forest Use
23	Police Line Takli	8	5.99	Home Deptt / Police Deptt	Police Head Quarter
		9	35.14	Home Deptt / Police Deptt	Police Head Quarter
		17	7.41	Home Deptt / Police Deptt	Police Head Quarter
		15	1.45	Home Deptt / Police Deptt	Police Head Quarter
		19	3.05	Home Deptt / Police Deptt	Police Head Quarter
		20	2.19	Home Deptt / Police Deptt	Police Head Quarter
		21	0.03	Home Deptt / Police Deptt	Police Head Quarter
		23	2.17	Home Deptt / Police Deptt	Police Head Quarter
		26	0.85	Home Deptt / Police Deptt	Police Head Quarter
		28	0.85	Home Deptt / Police Deptt	Police Head Quarter
		32	1.18	Home Deptt / Police Deptt	Police Head Quarter
		36	1.38	Home Deptt / Police Deptt	Police Head Quarter
		39	0.31	Home Deptt / Police Deptt	Police Head Quarter
		40	14.62	Home Deptt / Police Deptt	Police Head Quarter
		43	0.39	Home Deptt / Police Deptt	Police Head Quarter
		45	3.30	Home Deptt / Police Deptt	Police Head Quarter

		46	0.25	Home Deptt / Police Deptt	Police Head Quarter
		47	1.62	Home Deptt / Police Deptt	Police Head Quarter
		49	1.93	Home Deptt / Police Deptt	Police Head Quarter
		52	2.31	Home Deptt / Police Deptt	Police Head Quarter
		54	0.93	Home Deptt / Police Deptt	Police Head Quarter
		57/2	2.87	PWD Deptt	Govt. Building
		60/1	0.85	PWD Deptt	Govt. Building
		60/3	0.04	PWD Deptt	Govt. Building
		61/2	1.15	PWD Deptt	Govt. Building
24	Nari	161	0.78	Govt. Zudpi Jungle	house
		163	1.83	Power greed office	office
		166	0.07	Power greed office	office
		167	3.54	Power greed office	Office
		66/1	8.16	Govt. Zudpi Jungle	house
		66/2	2.75	Govt. Zudpi Jungle	house
25	Indora	6	0.79	J E Nazul Govt	Road & houses
		38/3, 40/1, 46/2, 47, 49/1, 50, 51, 63	21.81	J E Nazul Govt	Houses
		53, 54, 55, 56, 57, 58, 59, 60, 61, 62/1, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107	65.86	J E Nazul Govt	Houses
		65, 66/, 2	0.27	J E Nazul Govt	Houses
		68, 69	1.17	J E Nazul Govt	Houses
		84, 85	0.77	J E Nagpur Improvement Trust	Houses
		97/2	0.37	J E Nazul Govt	Houses
		97/3	0.01	J E Nazul Govt	Houses

		112, 113, 114, 115, 116, 119/1, 120/1, 121, 122, 126/1, 127/1	26.24	J E Nazul Govt	Houses
26	Mankapur	51	0.10	Residential Nagpur Improvement Trust	Nagpur Improvement Trust
		48	0.03	Residential Nagpur Improvement Trust	Nagpur Improvement Trust
		53	0.18	Residential Nagpur Improvement Trust	Nagpur Improvement Trust
27	Jaripatka	26/1	0.79	Residential	Nagpur Municipal Corp School
		27/4	6.15	Nazul	Residential
		35	0.94	Nazul	Residential
		40/52	9.08	Nazul	Residential on lease
		41/1	1.80	Residential	Nagoba temple
		27/1, 35/4	12.66	Residential	Houses
		27/2	3.30	Nagpur Municipal Corp	Buried ground
		27/3	0.24	Residential	Residential
		29/2, 31/2, 32/2	0.78	Nazul	Residential purpose
		38	0.34	Road	Road
		40/1	1.54	Nagpur Municipal Corp	Cementry Buried gournd
		41/2	0.97	Nazul	Residential purpose
		43, 44, 44/1	6.77	Nazul	Residential purpose
		48, 49, 50	2.39	Education Dept	Education purpose
		51/1	0.28	Central Govt	Railway line
		59	0.38	Nagpur Municipal Corp	Education purpose
		67	2.02	Central Govt	Railway residential quarters

		94	0.46	Nagpur Improvement Trust	Plantation
		98	0.28	Nazul	Religious structure
		102/2	0.03	Nazul	Plantation
		117	0.28	Nazul	Plantation
		29/1	0.11	Nazul	Residential purpose
		96/1	0.45	Nagpur Municipal Corp	Road
28	Wanjara	96/3	0.09	Nagpur Municipal Corp	Road
29	Wanari	42	0.24	Nagpur Improvement Trust	Residential Area
30	Bhandewadi	7	0.32	Nagpur Municipal Corp	Edgah/Grave Yard/Cemetery
		13	1.31	Nagpur Municipal Corp	Edgah/Grave Yard/Cemetery
31	Punapur	7	0.06	Nagpur Municipal Corp	Grave Yard/Cemetery
32	Pardi	81/1	0.29	Nagpur Municipal Corp	Bed of Nag River
		81/3	0.01	Nagpur Municipal Corp	Bed of Nag River
33	Hiwari	32/3	0.05	Nagpur Municipal Corp	Bed of Nag River
34	Babulkheda	18	0.46	Nagpur Municipal Corp	Main Road
		36	0.53	Nagpur Municipal Corp	School & Dispensary
35	Manewada	20, 21	0.81	Nagpur Municipal Corp	Grave Yard/Cemetery
36	Sakkardara	82/2	7.94	Nazul	Residential Area
37	Bidpeth	9.08	1.78	Nazul	Religious Structure
		39, 40, 41/2	1.49	Nazul	Residential Area
38	Harpur	29	0.39	Nagpur Municipal Corp	Road