

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From
Sri A. Appaiah,
Assistant Conservator of Forests,
Forest Divisional Officer,
Kothagudem.

To
The Executive Engineer,
R&B Department, Spl Division,
Kothagudem.

Rc.No. 885/2018/A5, dt: 15.06.2022.

Sub:- TSFD – TS-F(C) Act-1980 - Diversion of 24.74 Ha of Forest Land in Yellandu Forest Division for the work “ Construction of BT road from Tekulapally to Gundala from Km 0/0 to 26/0 in Gundala Mandal in Bhadradri Kothagudem District” under RCPLWE Project- violated the FC Act – **Notice Issued – Regarding.**

Ref: 1. FDO, Kothagudem Rc.No.885/2018/A5, Dt.22.03.2019.
2. FDO, Kothagudem Rc.No.885/2018/A5, Dt.12.11.2020.



With reference to the subject and reference cited above. It is to informed that during my field inspection on 15.06.2022 and it was noticed that there is an existing road of 7 Mtrs width (4 Mtrs black top and 3 Mtrs shoulders) for 2.6 Km and 12 Mtrs width (7 Mtrs black top and 5 Mtrs shoulders) for 2.8 Km and existing road was scrapped for a length of 0.4 km and metal was laid regarding the Diversion of 24.74 Ha of Forest Land in Kothagudem Forest Division for the work “ Construction of BT road from Tekulapally to Gundala from Km 0/0 to 26/0 in Gundala Mandal in Bhadradri Kothagudem District” under RCPLWE Project. Therefore, they are executed the work without taking prior permission from Government of India under the provisions of Forest (Conservation) Act 1980. If the said work taken up in the forest is approved by Government of India under the provision of Forest (Conservation) Act 1980, copy of the same may be furnished to this office immediately otherwise it will be presumed that the said work is taken up in violation of the Forest (Conservation) Act, 1980 and /Wild Life (Protection) Act, 1972 by you.

In this regard, it is informed that no non forestry work can be taken up in the forests without prior permission from the Central Government under section 2 of the Forest (Conservation) Act 1980. Further Section 3-A of the said Act deals with penalty for contravention of the Act and Section 3-B deals with offences committed by the authorities and Government Departments as reproduced below:

Section 2 of the Forest (Conservation) Act, 1980 restricts the de-reservation of forests or use of forest land or non-forest purpose. i.e.,

“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 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 organization 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 re-Afforestation.”

Provisions of the Act dealing with violations: Section 3A and 3B deals with penal provisions for contravention of the provisions of Forest (Conservation) Act, 1980. Section 3B specifically deals with the violation of the Forest (Conservation) Act, 1980 committed by the authorities and Government Departments which is reproduced as follows:

Section 3A of the Forest (Conservation) Act, 1980: Penalty for contravention of the provisions of the Act:-

Whoever contravenes or abets the contravention of any provisions of Section 2, shall be punishable with simple imprisonment for a period, which may extend to 15 days.

Section 3B of the Forest (Conservation Act, 1980: Offences by Authorities and Government Departments:

(1) Where any offences under this Act has been committed:

- (a) By any department of Government, the head of the department: or
- (b) By any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority:

Shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

The state Govt. EFS&T Dept vide G.O.Rt. No. 06, dt. 06.07.2007 has expressed serious concern over violation of Forest (Conservation) Act 1980, Wildlife (Protection) Act 1972 and Orders issued from the Hon'ble Supreme Court on the subject from time to time and issued **detailed and precise procedure** to be followed by all Government Departments / Agencies for taking on forestry work in the forest area. The G.O. has been communicated to all the heads of the departments and District Collectors with a request to issue strict instructions to all the heads of the departments and field level officers to follow the procedure scrupulously for obtaining necessary clearance under Forest (Conservation) Act, National Board for Wild Life under Wildlife (Protection) Act, 1972 and Hon'ble Supreme Court of India; and also requested not to take up any developmental activities in forest land without prior approval of competent authority under Section (2) of Forest (Conservation) Act, 1980.

Further, it is informed that, the proposal forwarded to the Head office and certain omissions were raised by the head office, the same are under process. You are also directed to ensure that no work is carried out in violation of the Forest (Conservation) Act, 1980 and Wild Life (Protection) Act, 1972, (Wherever applicable) without final approval from the competent authority and fulfilling all conditions and after final (Stage - II) approval, the work can be commenced in the forest area if any pending.

Hence, The Executive Engineer, R&B Department, Spl Division, Kothagudem is requested to furnish your explanation for carrying out the above work without taking prior permission from the Government of India and Hon'ble Supreme Court (wherever applicable) under Forest (Conservation) Act 1980 and Wildlife (Protection) Act 1972 (wherever applicable) within 15 days of the receipt of this letter, failing which a report will be submitted to the State Government for taking necessary action in the matter.

A copy of the notice should be acknowledged on the duplicate copy enclosed.

Yours faithfully,
Sd/- A. Appaiah,
Forest Divisional Officer,
Kothagudem.

✓ Copy submitted to the District Forest Officer, Bhadradi Kothagudem for favour of kind information.

Sd/- A. Appaiah,
Forest Divisional Officer,
Kothagudem.

// t.c.b.o //
15/6/07

Superintendent

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From
Sri Neeraj Kumar Tibrewal, IFS.,
Forest Divisional Officer,
Yellandu.

To
The Executive Engineer,
R&B Department, Spl Division,
Kothagudem.

Rc.No. 617/2018/Y3, dt: 5 .07.2022.

Sub:- TSFD – TS-F(C) Act-1980 - Diversion of 24.74 Ha of Forest Land in Yellandu Forest Division for the work " Construction of BT road from Tekulapally to Gundala from Km 0/0 to 26/0 in Gundala Mandal in Bhadradi Kothagudem District" under RCPLWE Project- violated the FC Act – Notice Issued – Regarding.

Ref: FDO, Yellandu Rc.No.617/2018/Y3, Dt.15.11.2021.

-:000:-

With reference to the subject and reference cited above. It is undersigned reported that, during the Filed visit on 28.06.2022 and observed that, the work was completed about 1.56 Kms out of 6.617 Kms with a width of 12.00 Mtrs regarding the Diversion of 24.74 Ha of Forest Land in Yellandu Forest Division for the work " Construction of BT road from Tekulapally to Gundala from Km 0/0 to 26/0 in Gundala Mandal in Bhadradi Kothagudem District" under RCPLWE Project. Therefore, they are executed the work without taking prior permission from Government of India under the provisions of Forest (Conservation) Act 1980. If the said work taken up in the forest is approved by Government of India under the provision of Forest (Conservation) Act 1980, copy of the same may be furnished to this office immediately otherwise it will be presumed that the said work is taken up in violation of the Forest (Conservation) Act, 1980 and /Wild Life (Protection) Act, 1972 (Wherever applicable) by you.

In this regard, it is informed that no non forestry work can be taken up in the forests without prior permission from the Central Government under section 2 of the Forest (Conservation) Act 1980. Further Section 3-A of the said Act deals with penalty for contravention of the Act and Section 3-B deals with offences committed by the authorities and Government Departments as reproduced below:

Section 2 of the Forest (Conservation) Act, 1980 restricts the de-reservation of forests or use of forest land or non-forest purpose. i.e.,

"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 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 organization 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 re-Afforestation."

Provisions of the Act dealing with violations: Section 3A and 3B deals with penal provisions for contravention of the provisions of Forest (Conservation) Act, 1980, Section 3B specifically deals with the violation of the Forest (Conservation) Act, 1980 committed by the authorities and Government Departments which is reproduced as follows:

Section 3A of the Forest (Conservation) Act, 1980: Penalty for contravention of the provisions of the Act:-

Whoever contravenes or abets the contravention of any provisions of Section 2, shall be punishable with simple imprisonment for a period, which may extend to 15 days.

Section 3B of the Forest (Conservation) Act, 1980: Offences by Authorities and Government Departments:

(1) Where any offences under this Act has been committed:

- (a) By any department of Government, the head of the department: or
- (b) By any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority:

Shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head the head of the department or any person referred to in clause (b), liable to any

punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

The state Govt. EFS&T Dept vide G.O.Rt. No. 06, dt. 06.07.2007 has expressed serious concern over violation of Forest (Conservation) Act 1980, Wildlife (Protection) Act 1972 and Orders issued from the Hon'ble Supreme Court on the subject from time to time and issued **detailed and precise procedure** to be followed by all Government Departments / Agencies for taking on forestry work in the forest area. The G.O. has been communicated to all the heads of the departments and District Collectors with a request to issue strict instructions to all the heads of the departments and field level officers to follow the procedure scrupulously for obtaining necessary clearance under Forest (Conservation) Act, National Board for Wild Life under Wildlife (Protection) Act, 1972 and Hon'ble Supreme Court of India: and also requested not to take up any developmental activities in forest land without prior approval of competent authority under Section (2) of Forest (Conservation) Act, 1980.

Further, it is informed that, the proposal forwarded to the Head office and certain omissions were raised by the head office. the same are under process. You are also directed to ensure that no work is carried out in violation of the Forest (Conservation) Act, 1980 and Wild Life (Protection) Act, 1972. (Wherever applicable) without final approval from the competent authority and fulfilling all conditions and after final (Stage – II) approval, the work can be commenced in the forest area if any pending.

Hence, The Executive Engineer, R&B Department, Spl Division, Kothagudem is requested to furnish your explanation for carrying out the above work without taking prior permission from the Government of India and Hon'ble Supreme Court (wherever

applicable) under Forest (Conservation) Act 1980 and Wildlife (Protection) Act 1972 (wherever applicable) within 15 days of the receipt of this letter, failing which a report will be submitted to the State Government for taking necessary action in the matter.

A copy of the notice should be acknowledged on the duplicate copy enclosed.

Yours faithfully,

Forest Divisional Officer,
Yellandu.

- Copy submitted to the District Forest Officer, Bhadradi Kothagudem for favour of kind information.

Forest Divisional Officer,
Yellandu.