

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

Division State Serial No. of proposal.....

7.	Location of the Project/Scheme	:	Diversion of 24.74 Ha of Forest land in Yellandu and Kothagudem Forest Divisions for the work "Construction of BT Road from Tekulapally to Gundala from 0/0 to 26/0 in Gundala Mandal in Bhadradi Kothagudem District" under RCPLWE Project.
i)	State/Union Territory	:	TELANGANA
ii)	District	:	BHADRADRI KOTHAGUDEM
iii)	Forest Division	:	YELLANDU
	Forest Block&Compartment No's	:	Compt No.30 of Komararam RF of Komararam Range and Compt.No.34 of Komararam RF of Yellandu Range
iv)	Area of Forest land proposed for diversion (in Ha):	:	The user agency has furnished proposals for diversion of Forest area to an extent of 24.74 Ha. Out of This an area of 7.9401 Ha (For 12.00 Mtrs width only) falling in Yellandu Division i.e in Compt.no.30 of Bombaithanda Beat of Polaram Section Komararam Range and in Compt.No.34 of Patharlagadda Beat of Dharmapuram Section of Yellandu Range.
v)	Legal Status of Forest:	:	The proposed diversion of Forest land in Yellandu Forest Division for the work "Construction of BT Road from Tekulapally to Gundala from o/o to 26/0 in Gundala Mandal is passing through Komararam RF of Yellandu and Komararam Ranges which is notified U/s 18 of HF act vide G.O.Ms.No. 1038, dt. 12.12.1354.
vi)	Density of vegetation:	:	The density of vegetation is <u><0.4</u> . i.e bush growth and pole crop in the proposed BT road from Tekulapally to Gundala.
VII)	Species-wise (Scientific Names) and diameter, class -wise enumeration of trees to be enclosed. (In case of irrigation/hide projects enumeration of FRL-2 meter & FRL-4 meter to be enclosed).	:	Species wise and girth class wise enumeration trees are furnished in the enclosed statement.

Sl. No.	Botanical names of species	No. of trees / poles	Girth class wise No. of trees of timber class					Poles Number	Timber Cu.mts	Fuel Cu.mts	Total value Rs.	
			Upto 30 cms	31 to 60 cms	61 to 90 cms	91 to 120 cms	Above 120 cms					
1	2	3	4	5	6	7	8	9	10	11	12	
1	Enumeration list enclosed	107	6	31	37	22	11	0	28.27	1	11,05,686	
VIII)	Brief note on vulnerability of the forest area to erosion:						:	There is no vulnerability of the forest area to erosion:				
ix)	Approximate distance of proposed site for diversion from boundary of forest:						:	The area applied for proposed road from Tekulapally to Gundala (i.e from 0/0 to 26/0) is passing through RF Komraram block in Yellandu Stretch.				
x)	Whether forms part of national park wild life sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc (if so, the details of the area and comments of the Chief Wild Life Warden to be annexed):						:	No. The proposed area for diversion is not part of national park, wildlife sanctuary, biosphere reserve, tiger reserve and elephant corridor.				
xi)	Whether any rare/endangered/unique species of flora and fauna found in the area if so details thereof:						:	No, rare/endangered unique species of flora and fauna are found in the forest area proposed for diversion.				
xii)	Whether any protected archaeological/heritage site/defense establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required:						:	In the proposed site there are no archeological / heritage site or defense establishment etc, are located.				
a)	Whether the requirement of forest land as proposed by the user agency in col.2 of part-I is unavoidable and barest minimum for the project.						:	The area applied for proposed road from Tekulapally to Gundala (i.e from 0/0 to 26/0) is not unavoidable. This is a link road with low vehicle traffic and with existing all weather road.				
b)	Whether any work in violation of the Act has been carried out (yes/no).If yes, details of the same including the period of work done, and action taken on erring officials. Whether work in violation is still in progress:						:	Yes. Violation of 1.872 Ha (12 Mtrs width * 1.56 KM) was occurred. Show cause notice issued to the User agency vide Forest Divisional Officer, Yellandu Rc. No.617/2018/Y3, Dt. 05.07.2022				

c)	Details of compensatory afforestation scheme:	:	—
i)	Details of non-forest area / degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch:	:	User Agency has identified the Non-forest land for CA to an extent of 114.5625 Ha in Sy. No. 60 of Basurayi Village, Sy. No. 28 of Ulvachelka Village and Sy. No. 1 of Rangapuram village, Allapally Mandal of Bhadradi Kothagudem District in Wildlife Management Kinnerasani Forest Division, Paloncha for (5) road projects including this project.
ii)	Map showing non-forest / degraded forest area identified for compensatory afforestation and adjoining forest boundaries:	:	—
iii)	Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule cost structure etc:	:	—
iv)	Total financial outlay for compensatory afforestation scheme:	:	—
v)	Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forest):	:	—
11)	Site inspection report of the DCF,(To be enclosed) especially highlighting facts in column No.7(xi,xii) 8 and 9 above:	:	Inspection report of District Forest Officer, Bhadradi Kothagudem District dt. 28.06.2022 enclosed.
12)	Division / District profile:	:	
i)	Geographical area of the district:	:	708989 Ha
	Division:	:	126899.45 Ha (GIS area)
ii)	Forest Area of the District:	:	433483 Ha
	Division:	:	88178.696 Ha
iii)	Total forest area diverted since 1980 with number of cases:-	:	1023.116 Ha in (8) cases. The following are the details.

1.	Diversion of Forest land for Yellandu underground mining lease by Singareni Collieries company Ltd.,	:	963.63 Ha.
2.	Diversion of Forest land for Renewal of Yellandu additional mining lease, Singareni Collieries company Ltd.,	:	42.50 Ha.
3.	Diversion of Forest land Centenary Incline Yellandu, (Entry into mine) Singareni Collieries company Ltd.,	:	4.77 Ha.
4.	Widening and improvement of road from Kachanapalli to Anantogu passing through Gundala RF	:	3.185 Ha.
5.	Improvements of Road from Yellandu to Pakhal road from 2/500 Km to 21/675 Km	:	0.00 Ha.
6.	Widening of road from Gundala to Sayanapalli	:	1.751 Ha.
7.	Widening & upgradation of road from Gundala to Shatpally	:	4.68 Ha.
8.	Widening and upgradation of Road from PWD Road (yellandu to Pakhal) to Monditogu	:	2.60 Ha.
		Total :	1023.116 Ha.
iv)	Total compensatory afforestation stipulated in the district /division since 1980 on:	:	
a)	Forest land including penal compensatory afforestation:	:	35.00 Ha
b)	Non-Forest land:	:	33.506 Ha
v)	Progress of compensatory afforestation as on (date) 01.09.21.:	:	
a)	Forest land:-	:	35.00 Ha
b)	Non-forest land:	:	33.506 Ha
13)	Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons:	:	This road connects Tekulapalli town to Yellandu - Gundala road. It does not connect major habitations. Vehicle traffic in this area is very low and huge width of black top road is not justifiable. As there is an existing black top road of 4 Mtrs wide, this is sufficient for connecting Tekulapalli and Gundala villages. <u>Initial recommendation of Forest Divisional Officer, Yellandu was for 12 Mtrs, as observed in the field and as per the discussions held at office of the District Forest Officer, Bhadradi Kothagudem with R&B Department Officials on 29.06.2022 this proposal is rejected.</u>

Date: 06.07.2022.
Place: Kothgudem.

Signature.....
Name: LAXMAN RANJEET NAYAK, I.F.S.,
Official Seal....**DISTRICT FOREST OFFICER**
Bhadradi Kothagudem Dist,
Kothagudem

Site inspection report of District Forest Officer, Bhadradi Kothagudem District for diversion of 14.84179 Ha (revised from 24.74 Ha) of Forest land in Kothagudem and Yellandu Divisions for construction of B.T.Road from Tekulapally to Gundala.

* * * *

Inspected this road proposal with Forest Divisional Officer, Yellandu, Forest Divisional Officer, Kothagudem, Forest Range Officer, Tekulapalli, Forest Range Officer, Yellandu and staff on 28.06.2022. This road is falling in two Forest Divisions of Kothagudem and Yellandu.

Kothagudem Division:

Total length passing through Chatakonda RF is 5.75141 Kms in Compartment No's 34 & 35 of Bodu Beat & 36 of Koyagudem Beat of Tekulapalli Range. Proposed width by user agency is 20 Mtrs, total area proposed for diversion is 11.028 Ha. It was noticed during the inspection 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. As informed by the User agency the road was handed over from Panchayat Raj Department to R&B Department in the year 2018 and also informed that, existing road was laid before the year 2002. As seen from the time line images road can be seen from 2007 (as per Google earth). Further, it was noticed that existing road was scrapped for a length of 0.4 km and metal was laid. There is no mention of right of way in Reserved Forest Block Notification. The proposed road is passing through complete encroachment land for which FRA rights were issued in few pockets.

Yellandu Division:

Total length passing through Komraram RF is 6.616 Kms in Compartment No's 34 & 35 of Patharlagadda and Bombai Thanda Beat respectively of Yellandu Range. Proposed width by user agency is 20 Mtrs, total area proposed for diversion is 13.2335 Ha. It was noticed during the inspection that there is an existing road of 7 Mtrs width (4 Mtrs black top and 3 Mtrs shoulders) for 5.05 Km and 12 Mtrs width (7 Mtrs black top and 5 Mtrs shoulders) for 1.56 Km. As informed by the user agency, the road was handed over from Panchayat Raj Department to R&B Department in the year 2018 and also informed that existing road was

laid before the year 2002. As seen from the time line images road can be seen from 2007 (as per Google earth). There is no mention of right of way in Reserved Forest Block Notification. The proposed road is passing through complete encroachment land for which FRA rights were issued in few pockets.

Observations and recommendations:

This road connects Tekulapalli town to Yellandu - Gundala road. It does not connect major habitations. Vehicle traffic in this area is very low and huge width of black top road is not justifiable. As there is an existing black top road of 4 Mtrs wide, this is sufficient for connecting Tekulapalli and Gundala villages. Initial recommendation of Forest Divisional Officers, Yellandu and Kothagudem was for 12 Mtrs, as observed in the field and as per the discussions held at office of the District Forest Officer, Bhadradi Kothagudem with R&B Department Officials on 29.06.2022 **this proposal is rejected.**

Further, violation of 3.12 Ha (12 Mtrs width * 2.6 KM) & 1.872 Ha (12 Mtrs width * 1.56 KM) in Kothagudem and Yellandu Divisions respectively was noticed and a show cause notice was issued to the User agency for taking further necessary action.

Dt. 06.07.2022.
Kothagudem.

(LAXMAN RANJEET NAYAK)
District Forest Officer,
Bhadradi Kothagudem District.

Kothagudem


Enumeration List for Diversion of 24.74 Ha of Forest land in Yellandu Forest Division for the work "Construction of BT Road from Tekulapally to Gundala from 0/0 to 26/0 in Gundala Mandal in Bhadradri Kothagudem District" under RCPLWE Project in Compt.No. 34, 35 & 36 of Chatakonda RF of Tekulapally Range of Kothagudem Division

Starting GPS Reading:

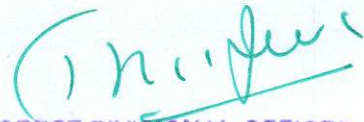
17.63322**80.45949**Ending Gps Reding: **17.65759 80.44801**

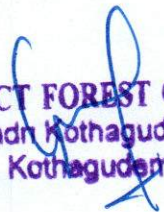
Sl. No.	Local Name of The Tree	Botanical Name of Species	Girth in cms	Height in cms	Timber in cum	Value	Fuel in cum	Value	Total Value 7+9
1	2	3	4	5	6	7	8	9	10
1	Pachari	Dalbergia paniculata	57	150	0.030	102	0.015	51	152
2	Vepa		52	300	0.051	51	0.025	85	135
3	Narayepa	<i>Hardwickia binata</i>	280	450	2.205	223128	1.103	1084	224212
4	Chinta	<i>Tamarindus indica</i>	80	200	0.080	687	0.040	133	820
5	Chinta	<i>Tamarindus indica</i>	70	200	0.061	526	0.031	102	628
6	Thangedu		110	200	0.151	1530	0.076	252	1782
7	Thangedu		87	200	0.095	957	0.047	158	1115
8	Kanuga	<i>Pongamia pinnata</i>	62	150	0.036	309	0.018	60	369
9	Pachari		70	150	0.046	153	0.023	77	230
10	Narlangi		55	150	0.028	95	0.014	47	142
11	Kanuga	<i>Pongamia pinnata</i>	68	150	0.043	372	0.022	72	444
12	Narayepa	<i>Hardwickia binata</i>	38	150	0.000	201	0.006	6	207
13	Tella chinduga		170	300	0.542	8226	0.271	904	9130
14	Kanuga	<i>Pongamia pinnata</i>	35	150	0.011	148	0.006	19	167
15	Kanuga	<i>Pongamia pinnata</i>	40	200	0.020	148	0.010	33	181
16	Vepa		66	300	0.082	826	0.041	136	963
17	Tella chinduga		84	250	0.110	1674	0.055	184	1857
18	Kanuga	<i>Pongamia pinnata</i>	86	150	0.069	595	0.035	116	711
19	Kanuga	<i>Pongamia pinnata</i>	40	100	0.010	148	0.005	17	165
20	Narlangi		120	250	0.225	751	0.113	375	1126
21	Chirumanu	<i>Anogeissus latifolia</i>	130	200	0.211	4275	0.106	352	4627
22	Narlangi		85	300	0.135	452	0.068	226	678
23	Somi		92	500	0.265	6692	0.132	130	6822
24	Narayepa	<i>Hardwickia binata</i>	235	800	2.761	279416	1.381	1357	280774
25	Sandra		120	300	0.270	5464	0.135	450	5914
26	Somi		75	300	0.105	2668	0.053	52	2720
27	Somi		135	400	0.456	11528	0.228	224	11752
28	Nemalinara		130	300	0.317	4810	0.158	529	5339
29	Nallamaddi	<i>Terminalia alata</i>	52	200	0.034	291	0.017	56	347
30	Murali		90	300	0.152	2305	0.076	253	2559
31	Pala		85	150	0.068	1028	0.034	113	1141
32	Narayepa	<i>Hardwickia binata</i>	270	1200	5.468	553267	2.734	2687	555955
33	Narayepa	<i>Hardwickia binata</i>	165	400	0.681	68874	0.340	335	69208
34	Pala		46	300	0.040	602	0.020	66	668
35	Gumpena	<i>Lannea coromandeliana</i>	52	300	0.051	770	0.025	85	854
36	Nemalinara		54	300	0.055	830	0.027	91	921
37	Pala		180	400	0.810	12296	0.405	1351	13647
38	Tuniki		55	200	0.038	383	0.019	63	446
39	Togaru		52	300	0.051	169	0.025	85	254
40	Tani		180	500	1.013	15370	0.506	1689	17059
41	Ulanda		88	200	0.097	323	0.048	161	484
42	Nemalinara		180	150	0.304	4611	0.152	507	5118
43	Chinduga	<i>Albizia odoratissima</i>	100	400	0.250	4050	0.125	417	4467
44	Chinduga	<i>Albizia odoratissima</i>	85	500	0.226	3657	0.113	377	4034
45	Narlangi		62	300	0.072	240	0.036	120	361
46	Narlangi		75	200	0.070	235	0.035	117	352
47	Vepa		80	400	0.160	1619	0.080	267	1886
48	Billudu	<i>Chloroxylon swietenia</i>	42	200	0.000	201	0.000	0	201

Sl. No.	Local Name of The Tree	Botanical Name of Species	Girth in crns	Heaight in cms	Timber in cum	Value	Fuel in cum	Value	Total Value 7+9
1	2	3	4	5	6	7	8	9	10
49	Narlangi		102	300	0.195	651	0.098	325	976
50	Nerudu		150	350	0.492	7471	0.246	821	8292
51	Nerudu		140	400	0.490	7438	0.245	817	8256
52	Nallamaddi	<i>Terminalia alata</i>	85	300	0.135	1165	0.068	226	1391
53	Narayepa	<i>Hardwickia binata</i>	200	350	0.875	88543	0.438	430	88973
54	Narayepa	<i>Hardwickia binata</i>	210	800	2.205	223128	1.103	1084	224212
		TOTAL::			22.446	1555448	11.229	19775	1575223


Dy. Range Officer,
Bodu


Forest Range Officer,
Tekulapally


FOREST DIVISIONAL OFFICER
Kothagudem.


DISTRICT FOREST OFFICER
Bhadrachal Kothagudem Dist,
Kothagudem

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 Bhadradi 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.

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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 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 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 Bhadradri 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 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 (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.

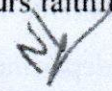
Further, it is informed that, the proposal forwarded to the Head office and certain omissions were raised by the head office. the same are under process. You are also directed to ensure that no work is carried out in violation of the Forest (Conservation) Act, 1980 and Wild Life (Protection) Act, 1972. (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

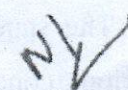
applicable) under Forest (Conservation) Act 1980 and Wildlife (Protection) Act 1972 (wherever applicable) within 15 days of the receipt of this letter, failing which a report will be submitted to the State Government for taking necessary action in the matter.

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

Yours faithfully,


Forest Divisional Officer,
Yellandu. 6/5/12

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


Forest Divisional Officer,
Yellandu. 6/5/12