

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 15th May, 2023

To

The Addl. Chief Secretary/Principal Secretary (Forests),
All State/UT Governments

Sub: Processing of proposals involving violation of Forest (Conservation) Act, 1980 - Authorising State Government/Union territory Administrations to take cognizance of the offence committed under the Forest (Conservation) Act, 1980 - reg.

Sir,

I am directed to refer to the above subject and to inform that matter was considered by the Advisory Committee in its meeting held on 24.03.2023. Minutes of the meeting of the Advisory Committee may be accessed at www.parivesh.nic.in. The Advisory Committee, inter-alia, observed that no enabling provisions have been provided in the Forest (Conservation) Rules, 2022 for taking cognizance of the offence committed against the provisions of the Act, 1980 and remove ambiguities in dealing with the legal proceedings arising out of the violations of the Forest (Conservation) Act, 1980 enabling provisions need to be provided. The Committee also observed that based on the past experience of dealing with the violations cases starting from taking cognizance of offence and thereafter its culmination, it will be appropriate and proper to delegate the power of taking cognizance of the offence committed under the Forest (Conservation) Act, 1980 to the authorities in the State Govt./UTs.

Based on the recommendation of the Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby *authorizes officers of the rank of Divisional Forest Officer (DFO)/Deputy Conservator of Forests (DCF) and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offense under the Forest (Conservation) Act, 1980 is committed or violation of the provisions of the said Act has been made, to file complaints against such person/authority/organization, prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.*

However, the Central government after receiving the information with respect to offence committed or violations made either through State government/authorities/ any other source or suo moto shall communicate the same after due examination to State government and the authorities concerned under whose jurisdiction the offence under the Forest (Conservation) Act, 1980 has been committed or any provision of the said Act has been violated, for filing the complaint against the offenders before the court of law and it shall act as a prerequisite for the authorized officer before such complaints are filed. Such

complaints should be filed before the court within a period of 45 days from the receipt of such communication from Central Government. Moreover, a periodic report, as specified by the Central Government on time to time, regarding filing of the complaints shall be submitted by the State government/authorities/authorized officers.

This issues with the approval of competent authority.

Yours faithfully,

(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. The Principal Chief Conservator of Forests, All State/UT Governments
2. The Dy Director General of Forests (Central), All Regional Offices of the MoEF&CC
3. The Addl. PCCF & Nodal Officer (FCA), Office of the PCCF, All State/UIT Governments
4. Monitoring Cell, FC Division, MoEF, New Delhi
5. Guard File

