

11/113/2022-FC-Part(1)

I/47771/2023

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

**Indira Paryavaran
Bhawan,**

Jor Bagh Road,
Aliganj
New Delhi-1100
03

**Dated: 4th
July, 2023**

To
The Principal Secretary,
(Forests)
All States/UTs Government

Sub: Gazette notification published on 03/09.06.2023 regarding processing of proposals involving violation of Forest (Conservation) Act, 1980 – Involving State government/UT administration officials for taking action and filing the complaints before the court in cases of offence committed under the Forest (Conservation) Act, 1980.

Sir,

I am directed to enclose herewith a copy of the Gazette Notification on 03/09.06.2023 (**copy enclosed**) on the above mentioned subject involving State government/UT administration officials for taking action and filing the complaints before the court in cases of offence committed under the Forest (Conservation) Act, 1980 by following the procedures stipulated therein.

In view of the above, I am directed to request the all States Governments/Union territory Administrations comply the provisions given in the Gazette Notification dated 9.06.2023 to deal with the offenses committed against the provisions of the Forest (Conservation) Act, 1980.

Encl: As above

(Charan Jeet Singh) Yours faithfully,

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tist 'D' Copy to:

1. The PCCF (HoFF), All States/UTs Government.
2. The Nodal Officer, All States/UTs Government.
3. The Regional Officer, All Integrated Regional Office, of MoEF&CC.
4. PPS to Secretary, MoEF&CC, for information.
5. PPS to DGF&SS, MoEF&CC, for information.
6. PS to IGF (FC), MoEF&CC, for information.

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[Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court]

पयाभ्णवरण, वन और जलवायु पिरवतभ्णन मंालय

नई िदली, िदनांक 25 मई 2023

सं. 11/113/2022-एफसी—वन (संरंण) अधिनयम, 1980 के उलंघन से उप् होने वाली कानूनी कायभ्णवाही से िनपटने मः अंप्ता को दूर करने के िलए, कःीय सरकार एतारा ःभागीय वन अधिकारी (डीएओ) / उप वन संरंक (डीसीएफ) और उससे ऊपर के र.क के संबंधित राय सरकार या कः शासित ःदेश ःशासन अधिकारिय को, िजसके पास उस वन भूमि पर अधिकार ै है, िजसके संबंध मः वन (संरंण) अधिनयम, 1980 के तहत कोई अपराध िक्या गया है या उ अधिनयम के ःवधान का उलंघन िक्या गया है, तो ःथम द्वा अधिनयम के तहत अपराध या उसके तहत बनाए गए िनयम के उलंघन का दोषी पाए जाने पर ऐसे ि/ःाधिकरण/संगठन के िखलाफ, मामले मः अधिकार ै वाले ःयायालय मः िशकायत दजभ्ण करने के िलए अधिकृत करती है।

यैपि, राय सरकार/ःाधिकारिय/िकसी अय ःत या ःवतः संान के मायम से, िकए गए अपराध या िकए गए उलंघन के संबंध मः सूचना ःा होने के उपरांत कः सरकार िचत जांच के बाद राय सरकार और संबंधित अधिकारिय को िजनके अधिकार ै मः वन (संरंण) अधिनयम, 1980 के तहत अपराध ः है या उ अधिनयम के िकसी भी ःवधान का उलंघन िक्या गया है, कानून की अदालत के समे अपराधिय के िखलाफ िशकायत दजभ्ण करने के िलए सूचित करेगी और यह ऐसी िशकायत को दजभ्ण करने से पहले अधिकृत अधिकारी के िलए एक पूवाभ्णपेा के ःप मः कायभ्ण करेगा। कः सरकार से इस तरह की सूचना की ःा से 45 िदन की अविध के भीतर ऐसी िशकायत को अदालत मः दायर िक्या जाना चाहिए। इसके अलावा, राय सरकार/ःाधिकरण/ःाधिकृत अधिकारिय ःरा िशकायत को दजभ्ण करने के संबंध मः कः सरकार ःरा समय-समय पर िनिदभ्ण एक आविधक िरपोटभ्ण ःंतुत की जाएगी।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

New Delhi, the 25th May 2023

No. 11/113/2022-FC—To remove ambiguities in dealing with the legal proceedings arising out of the violations of

the Forest (Conservation) Act, 1980, 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 offence 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 the 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 may be specified by the Central Government on time to time, regarding filing of the complaints shall be submitted by the State government/authorities/authorized officers.

RAMESH KUMAR PANDEY

Inspector General of Forests

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