

MINISTRY OF ENVIRONMENT & FORESTS

NOTIFICATION

New Delhi, the 17th September, 2002

S.O. 1008 (E).— In exercise of the powers conferred by sub-section (3) of 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitutes an authority to be known as the Central Empowered Committee, (hereinafter referred to as the committee), consisting of the following members appointed in pursuance of the Hon'ble Supreme Court's orders dated the 9th May, 2002 and 9th September, 2002 in Writ Petitions (Civil) No. 202/95 and 171/96, for a period of five years with effect from the date of publication of this notification in the Official Gazette, for the purposes of monitoring and ensuring compliance of the orders of the Hon'ble Supreme Court covering the subject matter of forests and wildlife, and related issues arising out of the said orders:-

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| (i) | Shri P.V. Jayakrishnan,
[Presently Secretary to the Government of
India, Ministry of Environment & Forests] | Chairman |
| (ii) | Shri N.K. Joshi,
[Presently Additional Director General of
Forests, Ministry of Environment & Forests] | Member |
| (iii) | Shri Valmik Thapar, Ranthambore Foundation | Member |
| (iv) | Shri Mahendra Vyas, Advocate, Supreme
Court of India | Member |
| (v) | Shri M.K. Jiwrajka,
[Presently Inspector General of Forests,
Ministry of Environment & Forests] | Member Secretary |

2. The Committee shall exercise the following powers and perform the following functions :-

- I. Powers and functions conferred upon the Committee by the Hon'ble Supreme Court of India by its order dated the 9th May, 2002 in Writ Petitions (Civil) No. 202/95 and 171/96 in the case of T.N. Godavarman Thirumalpad Vs. Union of India and others and Environment Awareness Forum Vs. State of J&K and others, respectively, namely:-

- (i) to monitor the implementation of the Hon'ble Court's orders and place reports of non-compliance before the Court including in respect of encroachments removals, working plans, compensatory afforestation, plantations and other conservation issues;
- (ii) to examine pending interlocutory applications in the said Writ petitions (as may be referred to it by the Hon'ble Court) as well as the reports and affidavits filed by the States in response to the orders passed by the Hon'ble Court and place its recommendations before the Hon'ble Court for orders;
- (iii) to hear applications filed by any aggrieved person seeking relief against any action taken by the Government or any other authority purportedly in compliance of the orders passed by the Hon'ble Supreme Court or against any action of any person or body or agency in violation of such orders, and to dispose of such applications in conformity with the orders of the Hon'ble Court any application which cannot be appropriately disposed off;
- (iv) without prejudice to the generality of the powers conferred upon the Committee under the provisions of the said Act, for the purpose of effective discharge of its functions, the Committee shall have the powers to:
 - (a) call for any documents from any person or the government of the Union or the State or any other official;
 - (b) summon any person and receive evidence from such person on oath either on affidavit or otherwise;
 - (c) seek assistance or presence of any person(s) or official(s) required by it in relation to its work;

- (d) decide its own procedure for dealing with applications and other issues;
 - (e) co-opt one or more persons as its members or as special invitees for dealing with specific issues; and
 - (f) co-opt, wherever feasible, the Chief Secretary and Principal Chief Conservator of Forests of the State as special invitees while dealing with issues pertaining to that State.

- II. Powers under section 5 of the Said Act, for issuing directions and taking such measures in respect of any of matters referred to in sub-section (2) of section 3 of the said Act;

- III. Powers to take resort to the provisions contained in sections 15 to 21 of the said Act;

- IV. Powers under section 4 of the said Act, for appointment of officers.

- V. Powers to issue guidelines and or directions with regard to location, functioning and monitoring of the saw mills and other wood based industries and also regulate their numbers and also regulate their numbers and capacity for ensuring sustainability;

- VI. Functions and powers in respect of protection and, management of forests and wildlife including in respect of deforestation, encroachments, working plans, compensatory afforestation, plantations, regeneration, illegal felling, transportation of timber and timber products and other forest produce, mining in forest area, illegal diversion of forest lands for non-forest purpose and other matters relating to the implementation of the Forest (Conservation) Act, 1980, Indian Forest Act, 1927, Wildlife (Protection), Act 1972 and the rules, regulations and guidelines framed thereunder;

- VII. Powers to examine and deal with any issue referred to the Committee by the Hon'ble Supreme Court or the Central Government.

3. The members of the Committee are appointed in their personal capacity and shall not be removed without leave of the Hon'ble Supreme Court.
4. Subject to the orders of the Hon'ble Supreme Court, the Committee shall function under the administrative control of the Central Government in the Ministry of Environment & Forests with headquarters at Delhi.
5. The Ministry of Environment & Forests shall provide suitable and adequate office accommodation for the Committee. The expenditure incurred on the working of the Committee including salary or remuneration to the members and supporting staff, (to the extent not payable by the Government) may be met out of income accruing to the Special Investigation Team (SIT). Necessary procedure for this may be formulated by the Committee in consultation with the Special Investigation Team.
6. The jurisdiction of the Committee shall extend to the whole of India.
7. The Committee shall submit quarterly reports to the Hon'ble Supreme Court. It will be liberty to seek clarifications or modifications needed by it from the Hon'ble Court.

[No.13-21/98-SU-PT.II]

R.CHANDRA MOHAN, Jt. Secy.