

CENTRAL EMPOWERED COMMITTEE
CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITIONS NO. 202/95 AND 171/96

No. 1-1/CEC/2002-03

Date : 14.6.2002

Notification No. 2DATED: 14-6-2002

RULES AND PROCEDURE

Applications

1. Any individual shall be at liberty to move the Central Empowered Committee, hereinafter referred to as the Committee, by filing an application for seeking suitable relief against any action taken by the Central / State Governments or any other authority

(a) in respect of deforestation, encroachments, working of the wood based industries, Working Plans, compensatory afforestation, plantations, regeneration, illegal felling and transportation of timber, illegal mining in forest area, and any other conservation issues; and

(b) the implementation of the Forest (Conservation) Act, 1980, Indian Forest Act, 1927, Wild Life (Protection) Act, 1972 including the respective Rules, Regulations and Guidelines framed thereunder on which the Hon'ble Supreme Court of India has passed orders in Writ Petitions no. 202/ 95 and 171/96.

2. All applications should be addressed to:

The Member Secretary
Central Empowered Committee
Constituted by the Hon'ble Supreme Court of India
Room No.106, Paryavaran Bhawan, C.G.O. Complex
Lodi Road, New Delhi – 110003

3. Every application shall set out the name, description and complete postal address of the applicant(s) and the respondent(s). It should be typed in double space on a full-scrap (legal size paper) and shall set forth in chronological order and in consecutively numbered paragraphs, all relevant facts, grounds and relief claimed and shall be signed by the applicant or his Advocate.

4. Six copies of the application shall be filed and it shall be accompanied by copies of such documents as are in the possession of the applicant and shall be supported by a duly attested affidavit of the applicant and all pages of the application shall be numbered.

5. A copy of the application shall be sent by the applicant to all the respondents and photocopy of postal or courier receipt as proof of the same shall be filed along with the application.

6. Every application shall have an index.

Proceedings:

7. After receipt of the application, as soon as it is feasible, a notice of hearing shall be issued to all the parties through counsel, Central Government, State Governments or any other authority, electronic mode, or through any other means. The notice shall specify the date and place of hearing before the Committee.

8. Where there are a number of applications in which common issues have been raised and similar reliefs are sought, the Committee may issue notice to all parties or through public notice/advertisement. The Committee in such cases may determine as to who shall bear the cost of such publication.

9. The respondents shall be at a liberty to file written objections to the application in the form of a counter affidavit with proof of service of advance copy to the applicant. The counter affidavit shall give a parawise reply on merits and no general replies or denials would be entertained. In cases where the respondent(s) is an office of the Central Government, the State Government, Government Undertaking or any authority owned, managed or controlled

by the Central / State Government, the counter affidavit, shall be signed by the Head of the Department, Authority or the Undertaking.

10. 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 / presence of any person(s) / official(s) required by it in relation to its work.

11. A quorum comprising minimum of three members will be competent to hear applications and pass orders.

12. The Committee may undertake field visits, public hearings, meeting with officials and NGO's through one or more of its members or Special Invitees or through such Central Government / State Government officials, institutions, experts, NGO's and others.

13. The Committee may pass interim order(s) so as to meet the ends of justice, which shall operate for a period of 90 days from the date of the issue of the order by which time the application shall be finally adjudicated. However, if no final order(s) is passed within 90 days, the interim order shall cease to operate unless extended by the Committee for reasons to be recorded in writing.

14. The Committee shall pass appropriate orders in writing after giving opportunity of hearing the parties.

15. The orders passed by the Committee shall be in conformity with the orders passed by the Hon'ble Supreme Court of India. In other cases, the Committee shall place its recommendations before the Hon'ble Supreme Court of India for passing appropriate clarifications or orders.

16. The Committee shall submit Quarterly Progress Reports to the Hon'ble Supreme Court of India.

17. All orders passed by the Committee shall be authenticated by the Member Secretary and bear the seal of the Committee.

18. In respect of the I. A.'s, reports and affidavits referred to the Committee by the Hon'ble Supreme Court of India, the Committee will follow the procedure as stated above.

(M.K.Jiwrajka)
Member Secretary

Distribution:

1. Registrar, Supreme Court (attention PIL Cell).
2. Attorney General of India.
3. Solicitor General of India and Amicus Curiae in Writ Petition (Civil) No. 202/95.
4. Shri P. V.Jayakrishnan, Chairman Central Empowered Committee.
5. Shri N. K.Joshi, Additional Director General of Forests, Ministry of Environment & Forests & Member, Central Empowered Committee.
6. Shri Valmik Thapar, – Member Central Empowered Committee.
7. Shri Mahendra Vyas, – Member Central Empowered Committee.
8. PS to MEF.
9. Secretary, Ministry of Environment & Forests, Government of India.
10. Director General of Forests & Special Secretary, MOEF.
11. Chairman High Power Committee for the North-Eastern Region.
12. Chairman Special Investigation Team.
13. All officers of DIG and above level, MoEF.
14. Regional Chief Conservators of Forests, MoEF (all).
15. Secretaries to Government of India (all ministries).
16. Administrators / Chief Secretaries (all States / UTs).
17. Principal Chief Conservators of Forests, (all States/ UTs).

18. Secretaries (Forests) (all States / UTs).

This Notification should be given wide publicity & circulated to all concerned.

Member Secretary (M.K.Jiwrajka)