

THE FOREST (CONSERVATION) ACT, 1980 AS AMENDED BY ACT NO.69 OF 1988

(27th Dec, 1980)

An Act to provide for the Conservation of Forests and for matters connected therewith or ancillary or accidental thereto-

Be it enacted by Parliament in the Thirty- Year of the Republic of India as follows:-

**1. Short title and commencement.**-(1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) it shall be deemed to have come with force on the 25th Day of Oct. 1980.

**2. Restriction on the preservation of forests or use of forest land for non-forest purpose.**-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 (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) 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 Tease or otherwise to any private person or to any authority, corporation, agency or any other organisation 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 reafforestation."

<sup>2</sup>Explanation-For the purpose of this section "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation,

but does not include any work relating or ancillary to conservation, development and management of forests and Wild life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

**3. Constitution of Advisory Committee.**-The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

(i) the grant of approval under Sec. 2; and

(ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

<sup>3</sup>**3A.-Penalty for contravention of the provisions of the Act.**-Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

<sup>4</sup>**3B.-Offences by authorities and Government departments.**-(1) Where any offence 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 offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render 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.

1-2. Added by section 2 of the Forest (Conservation) Amendment Act, 1988 (69 of 1988).

3. Added by section 3 of the Forest (Conservation) Amendment Act, 1988 (69 of 1988).

4. The Forest (Conservation) Amendment Act, 1988 (69 of 1988) came into force w.e.f. 15th March, 1989 vide Gazettee Notification No. 5-1/86-F.P. published in Part-II section 3, sub-section (ii) (Ex. ordry.) Gazettee of India S.O.No. 188(E) of 15.3.1989.

(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 convenience 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.

**4. Power to make rules.**—The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**5. Repeal and saving.**—(1) The Forest (Conservation) Ordinance, 1988 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

**Notification regarding enforcement of Forest (Conservation) Amendment Act, 1988**

Copy of letter No. 5-1/86-F.P. dated 27.3.1989 received from Assistant Inspector General of Forests, Ministry of Environment and Forests Deptt. of Environment, Forests and Wildlife, Paryavaran Bhavan, CGO Complex, B-Block, New Delhi addressed to Forest Secretaries of All States and others.

**Subject:** Notification regarding enforcement of Forest (Conservation) Amendment Act, 1988—distribution regarding.

The undersigned is directed to enclose a copy of Gazette Notification No. 5-1/86-F.P. published in Part-II Section 3, Sub-section (ii) Extraordinary of the Gazette of India vide S.O. No. 188(E) dated 15.3.1989 alongwith a copy of the Forest (Conservation) Amendment Act, 1988 for information and necessary action.

Copy of above.

S.O. 188(E) In exercise of the powers conferred by Sub-section (2) of section 1 of the Forest (Conservation) Amendment Act, 1988 (69 of 1988), the Central Government hereby appoints the fifteenth day of March, 1989 as the date on which the said Act shall come into force.

and who was in India on the 7th day of May 1984, shall, unless he came to India under a valid permit