

FOREST (CONSERVATION) ACT, 1980

69 of 1980

[27th December, 1980]

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STATEMENT OF OBJECTS AND REASONS Deforestation cause's ecological imbalance and leads to environmental deterioration. Deforestation had been taking place on a large scale in the country and it had caused widespread concern. 2. With a view to checking further deforestation, the President promulgated on the 25th October, 1980, the Forest (Conservation) Ordinance, 1980. The Ordinance made the prior approval of the Central Government necessary for dereservation of reserved forests and for use of forest land for non-forest purposes. The Ordinance also provided for the constitution of an advisory committee to advise the Central Government with regard to grant of such approval. 3. The Bill seeks to replace the aforesaid Ordinance -Gaz. of India. 2-12-1980, Pt. 11-S.2, Ext., p. 1183.

1. Short title, extent 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 and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. Restriction on the dereservation 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.

1 [(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

1. Inserted by the Forest (Conservation) Amendment Act (69 of 1988) S. 2 (15-3-1989).

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-

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

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.

3B. Offences by authorities and Government departments :-

(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 connivance 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 :-

(1) 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, 1980 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.