

THE FOREST (CONSERVATION) AMENDMENT ACT, 1988

No. 69 OF 1988

[17th December, 1988.]

An Act to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 1988.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 2.

2. In section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act),—

69 of 1980.

(a) after clause (ii), the following clauses shall be inserted, namely:—

“(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;

(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.”;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

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

¹ 15-3-1989; vide Notification No. S.O. 451(E), dated 15-3-1989, Gazette of India, 1989, Extra-ordinary, 1989, Pt. II sec. 3(ii).

culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.’

3. After section 3 of the principal Act, the following sections shall be inserted, namely:—

“3A. 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. (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.

(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.”

Insertion
of new
sections
3A and
3B.

Penalty
for contra-
vention of
the provi-
sions of
the Act.

Offences
by autho-
rities and
Govern-
ment de-
partments.