

**FOREST (CONSERVATION) ACT , 1980**  
**WITH AMENDMENTS MADE IN 1988**

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by the Parliament in the Thirty – first year of the Republic of India as follows:-

1. Short title, extend 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 25<sup>th</sup> day of October, 1980

2. **Restriction on the de-reservation 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 prior approval of the Central government , any order directing-

- (i) that any reserve 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 purpose non-forest purpose :
- (iii) that any forest land or portion thereof may be assigned by way of lease or otherwise to any private person or to any authority , corporation , agency or any other Organization not owned , managed or controlled by Government.
- (iv) That any forest land or any portion thereof maybe cleared of trees which have grown naturally in that land or portion , for the purpose of using it for Afforestation.

**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 afforestation,

but does not include any work relating or ancillary to conservation , development and management of forests and wildlife , namely, the establishment of check-posts, fire lines, wireless communication 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 Section 2; and
- (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 A. Shall be punishable with simple imprisonment for a period which extend to fifteen Days

### 3B. Offences by authorities and Government Department :-

(1) Where any offence under this Act has been committed :-

- (a) by any department of Government, the head of the department ; on
- (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 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 clauses (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 or; 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 the 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 sessions of the 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 replaced.

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

## PART – B

### FOREST (CONSERVATION) RULES, 2003

(Published in Gazette of India: Extraordinary on the 10<sup>th</sup> January 2003)

G.S.R 23 (E) – In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely :-

#### 1. Short title, extent and commencement:

- (1) These rules may be called the Forest (Conservation) Rules, 2003
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the Official Gazette.

#### 2. Definitions :- In these rules, unless the context otherwise requires :-

- (a) “Act” means the Forest (Conservation) Act, 1980 (69 of 1980)
- (b) “Committee” means the Advisory Committee constituted under section 3 of the Act.
- © “Chairperson” means the Chairperson of the Committee.
- (d) “Member” means a member of the Committee.
- (e) “Nodal Officer” means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with the forest conservation matters under the Act.
- (f) “Regional Office” means a Regional Office of the Central Government in the Ministry of Environment and Forest establishment as part of the Ministry to deal with the forest conservation matters under the Act

- (g) “Section” means a section of the Act;
- (h) “User Agency” means any person, organization or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under Act or the rules.

### 3. Composition of the Committee :-

(1) The Committee shall be composed of the following members:-

- (i) Director General of Forests, Ministry of Environment and Forests- Chairperson.
- (ii) Additional Director General of Forests, Ministry of Environment and Forest-Member.
- (iii) Additional Commissioner (Soil Conservation) , Ministry of Agriculture - Member
- ;(iv) Three eminent experts in forestry and allied discipline (non-officials) –Member.
- (v) Inspector General of Forests (Forest Conservation), Ministry and Environment and Forests-Member Secretary.

(2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.

### 4. Terms of appointment of non-official members shall be as follows:

- (i) a non-official member shall hold his office for a period of two years:
- (ii) a non-official member shall cease to hold office if he becomes of unsound mind becomes involving or is convicted by court of law on a criminal offence involving moral turpitude.-
- (iii) a non-official member may be removed from his office if fails to attend three consecutive meetings of the Committee without any sufficient cause or reason ;
- (iv) any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii ) shall be filled by the Government for the unexpired portion of two years term.
- (v) Travelling and daily allowance shall be payable to non-official members of the Committee at the highest rate admissible to the Government servants of Group ‘A’ under the rules and orders made by the Central Government and for the time being in force.

Provided that the payment of traveling allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature. )

6. Conduct of business of the Committee –

- (i) The Chairperson shall call the meeting of the Committee whenever considered necessary but not less than once in a month.
- (ii) The meeting of the committee shall be held at New Delhi.
- (iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6 he may direct that the meetings of Committee to be held at a place other than New Delhi from where such inspection of side or sites is necessary.
- (iv) The Chairperson shall preside over every meeting of the Committee at which he is present.
- (v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.
- (vi) The quorum of the meeting of the Committee shall be there.

7. Submission of the proposals seeking approval of the Central Government under section 2 of the Act :-

- (1) Every user agency, who wants to use any forest land for non-forest purposes shall make his proposal in the appropriate Form appended to these rules, i.e. Form 'A' for proposals seeking first time approval under the Act and Form 'B' for proposals seeking renewals of lease where approval of the Central Government under the Act had already been obtained earlier, to the concerned nodal officer authorized in this behalf by the State Government, along with requisite

information and documents, complete in respects well in advance of taking up any non-forest activity on the forest land.

- (2) Every State Government or other authority, after having received the proposal under sub-rule (1) and after being satisfied that the proposal requires prior approval.