6726+6727
207/85
Received from G. I. Press... M1961
On... 2/1
S. C. (Gazetted Wing)

रजिस्ट्री सं. डी(डीएन)127/88 REGISTERED No. D(DN)127/88

P 1025
Jan 25
B.D. 50
SIB. 125
AB 825
K.M. 13/1
COMPARED
27/2/89

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 91] नई दिल्ली, सोमवार, दिसम्बर 19, 1988/अग्रहायण 28, 1910
No. 91] NEW DELHI, MONDAY, DECEMBER 19, 1988/AGRAHAYANA 28, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह असग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th December, 1988/Agrahayana 28, 1910 (Saka)

The following Act of Parliament received the assent of the President on the 17th December, 1988 and is hereby published for general information:—

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 commencement.

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

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

Amendment of section 2.

69 of 1980.

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

(*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

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Civil Lines, Delhi-54
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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 culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.'.

Insertion of new sections 3A and 3B.

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

Penalty for contravention of the provisions of the Act.

"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.

Offences by authorities and Government departments.

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.

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(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.".

S. RAMAIAH
Secy. to the Govt. of India.

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24/12/14

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PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1988