

## **Jammu And Kashmir Forest (Conservation) Act, 1992**

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## **Jammu And Kashmir Forest (Conservation) Act, 1992**

Enacted by the President in the Forty-third Year of the Republic of India. An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto. In exercise of the powers conferred by Sec. 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992 the President is pleased to enact as follows:-

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Jammu and Kashmir Forest (Conservation) Act, 1992.
- (2) It extends to the whole of the State of Jammu and Kashmir.
- (3) It shall come into force at once.

### **2. Restriction Of Denotifying Of Demarcated Forest Or Dereservation Or Use Of Forest Land For Non-Forest Purpose :-**

Notwithstanding anything contained in any other law for the time being in force

- (a) the Government shall not, except on a resolution of the Council of Ministers
  - (i) make or issue any order or notification directing that any demarcated forest or any portion thereof shall cease to be demarcated forest;
  - (ii) make any order directing that any forest land or any portion

thereof may be used for non-forest purpose;

(b) no officer of the Government or other authority shall have power to make or issue any order or notification in respect of any matter specified in Cl. (d).

Explanation I. -- 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 oil bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than re-afforestation, but does not include any work relating or ancillary to conservation, development and management of forest and wildlife, namely, the establishment of check posts, firelines, wireless communications and construction of fencing, bridges and culverts, dams, water-holes, trench marks, boundary marks, pipelines or other like purposes.

Explanation II. -- Jammu and Kashmir Act, II of 1987. For the purpose of this section, "demarcated forest" shall have the same meaning as assigned to it in the Forest Act, Samvat 1987 (1923 A.D.)

### **3. Constitution Of Advisory Committee :-**

The Government may constitute a committee consisting of such number of persons as it may deem fit to advise the Government with regard to

(i) any matter referred to in Sec. 2;

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

### **4. Penalty Of Contravention Of The Provisions Of The Act :-**

Whoever contravenes or abets the contravention of any of the provisions of Sec. 2 shall be punishable with simple imprisonment for a period which may extend to fifteen days.

### **5. 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; or

(b) by any authority, every person who, at the time, the offence was committed, was directly incharge 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 Cl. (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 this Act has been committed by a Department of Government or any authority referred to in Cl. (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 any authority, any person other than the persons referred to in Cl. (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.

#### **6. Power To Make Rules :-**

The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

#### **7. Govemors Act No. Xxiv Of 1990 Repeal And Savings :-**

(1) The Jammu and Kashmir Forest (Conservation) Act, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jammu and Kashmir Forest (Conservation) Act, 1990 shall be deemed to have been done or taken under the corresponding provisions of this Act.