

Haryana Forest Development Act, 1983

7 of 1983

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STATEMENT OF OBJECTS AND REASONS In conformity with the new national policy, the State Government proposed to undertake a very ambitious programme for development of Forest resources. This calls for a substantial step up of investment in the forestry sector. Past experience has shown that the present administrative arrangement needs a drastic change if the new massive programme is to be implemented on priority. For the constitution of an alternative and effective agency for the implementation of the massive programme, the State Government decided to constitute the Haryana Forest Development Board. To achieve this end, the Haryana Forest Development Ordinance, 1982 was promulgated. It is now proposed to replace this ordinance by an Act. An Act to

provide for the establishment of the Haryana Forest Development Board for undertaking the development of forest resources, utilisation of, processing of, and trade in forest produce. BE it enacted by the Legislature of the State of Haryana in the Thirty-fourth Year of the Republic of India as follows:-

1. Short Title, And Extent :-

(1) This Act may be called the Haryana Forest Development Act, 1983.

(2) It extends to the whole of the State of Haryana.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Board" means "The Haryana Forest Development Board" established under sub-section (1) of Sec. 3;

(b) "Chairman" means the Chairman of the Board;

(c) "development" includes acquisition of land and all operations connected with raising, protection and management of plantations;

(d) "forest produce" shall have the meaning assigned to it in the Indian Forest Act, 1927;

(e) "member" means a member of the Board and includes the Chairman and the Director;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "trade" means any activity relating to forest produce and include manufacturing and processing thereof.

3. Establishment And Incorporation Of The Board :-

(1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established for carrying out the purposes of this Act, a Board to be known as "The Haryana Forest Development Board" with head-quarters at such place as the State Government may specify.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property movable or immovable, and to enter into contracts, and shall, by the said name, sue or be sued.

4. Board To Be A Local Authority :-

For purposes of Land Acquisition Act, 1894, the Board shall be deemed to be a local authority.

5. Constitution Of The Board :-

(1) The Board shall consist of a Chairman, a Director who shall be a member of the Indian Forest Service, and nine other members of whom four shall be official and five non-official.

(2) All members of the Board shall be nominated by the State Government.

6. Term Of Office Of Members :-

The term of the office of the Chairman non-official members shall be three years:

Provided that they shall be eligible for re-appointment.

7. Resignation :-

The Chairman or a member may at any time resign his office by submitting his resignation to the State Government:

Provided that resignation shall not take effect until it is accepted.

8. Disqualifications :-

A person shall be disqualified for being appointed or continuing as a member of the Board, if he,-

(a) holds any office of profit under the Board;

(b) is of unsound mind;

(c) is an undischarged insolvent;

(d) has, directly or indirectly by himself or through any other partner, any share or interest in any contract or employment with, by or on behalf of the Board;

(e) has been convicted of any offence involving moral turpitude;

(f) in the opinion of the State Government,-

(i) has become incapable of acting; or

(ii) is otherwise unfit to continue as a member.

9. Office To Be Held During Pleasure Of State Government :-

Notwithstanding anything contained in this Act, the Chairman and the members of the Board shall hold office during the pleasure of the State Government.

10. Filling Of Vacancy :-

If a vacancy occurs in the office of the Chairman or a member by

death, resignation, disqualification or otherwise, the same shall be filled in by the State Government in the manner provided in Sec. 5: Provided that he shall hold office for the unexpired portion of the term of his predecessor.

11. Certain Defects Not To Vitate Acts And Proceedings :-

No disqualification or defect in the appointment of any person, acting as Chairman or a member shall be deemed to vitiate any act or proceedings of the Board if such act or proceedings is otherwise in accordance with the provisions of this Act.

12. Constitution Of Interim Board :-

Until the Board is established and constituted in accordance with the provisions of this Act, the State Government may constitute a Board consisting of the Chairman and the director and the Board so constituted shall, for a period not exceeding one year be deemed to be the Board established and constituted under this Act.

13. Salary And Allowances :-

The Chairman and members shall receive such salary or allowances as may be prescribed and the same shall be from the fund of the Board.

14. Appointment Of Officers And Employees :-

- (1) The State Government may appoint a Secretary to the Board.
- (2) The Board may create such other posts and appoint such other officers and employees as it may consider necessary for the efficient discharge of its functions.
- (3) The conditions of service of the officers and employees of the Board shall be such as may be prescribed,
- (4) The duties of the officers and employees of the Board shall be such as may be determined by it.

15. Provident Fund :-

The Board shall constitute, for the benefit of its officers and employees, in such manner and subject to such conditions, as may be prescribed such provident fund as it may deem fit.

16. Meetings Of Board :-

The Board shall make by-laws with respect to the day, | date, time, place notice, holding and adjournment of its meetings, subject to the following provisions namely:-

- (a) an ordinary meeting shall be held at least once in three months;
- (b) the Chairman may, whenever thinks fit, call a special meeting;
- (c) every meeting shall be presided over by the Chairman and in his absence any member chosen by members present at the meeting;
- (d) the quorum for every meeting shall be one-third of the number of members actually serving for the time being;
- (e) all questions at any meeting shall be decided by a majority of votes of the members present and voting in the case of equality of votes, the member presiding shall have a second or casting vote; and
- (f) the minutes of the proceeding of each meeting shall be recorded in a book to be provided for the purpose and a copy such minutes shall be forwarded to the State Government.

17. Associations Of Persons :-

(1) The Board may associate with itself any persons whose assistance and advice it may deem fit for performing its functions under this Act.

(2) Any person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the meetings of the Board relevant to that purpose, but shall not have the right to vote.

(3) The State Government may, by order, depute its representatives, to take part in any meeting of the Board, on such items or subjects as the State Government may specify but such representatives shall not have the right to vote.

18. Execution Of Contracts Execution Of Contracts :-

Every contract shall be made in the name of the Board and shall be signed in the name of or on behalf of the Board by the Chairman or such other officer of the Board as may be authorised by him.

19. Power To Make Bye-Laws :-

Subject to the provisions of rules made under this Act, the Board may with the approval of the State Government, make bye-laws:-

- (a) to regulate the transaction of the business at its meetings;

- (b) to assign its duties and powers to its Chairman, Director, Secretary or to its officers; and
- (c) for any other matter which has to be or may be, provided by bye-laws.

20. Duties And Functions Of The Board :-

The duties and functions of the Board shall be,-

- (a) to undertake proper and scientific exploitation of forest resource of the State of Haryana and if necessary outside it;
- (b) to market the various products both raw and refined goods inside and outside the State of Haryana;
- (c) to establish and manage Industries based on forest produce;
- (d) to undertake trade in forest produce and to promote the development of forest resources in the State of Haryana;
- (e) to plant, grow, cultivate, produce, protect and manage, raise plantations of all kinds or varieties of forest plants, trees and crops on Government lands, community lands, private lands and on land owned by institutions and other organisations, to promote social forestry;
- (f) to formulate, plan and execute projects and programmes relating to afforestation, soil conservation and conservation of environment so far as it is necessary for reforming its functions under this Act.