



## The Jammu and Kashmir Forest (Conservation) Act, 1992

Act 5 of 1992

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Conservation of Forest, Forest Land, Non Forest Purpose, Demarcated Forest, Afforestation

Amendment appended: 32 of 2002

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## THE JAMMU AND KASHMIR FOREST (CONSERVATION) ACT, 1992.

(President's Act No. 5 of 1992).

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THE JAMMU AND KASHMIR FOREST (CONSERVATION) ACT, 1992

(President's Act No. 5 of 1992).

[Enacted by the President on 17th July, 1992 and published in the Jammu and Kashmir Govt. Gazette (Extra) dated 17th July, 1992].

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

Enacted by the President in the Forth-third Year of the Republic of India.

In exercise of the powers conferred by section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992 (21 of 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 on denotifying of demarcated forest or de-reservation 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 a demarcated forest ;

(ii) make any order directing that any forest land or any portion thereof may be used for any 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 clause (a).

*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, fire lines, wireless, communication and construction of fencing, bridges and culverts, dams, waterholds, trench marks, boundary marks, pipe lines or other like purposes.

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

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 section 2 :

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

4. *Penalty for contravention of the provisions of the Act.*--(1) 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.

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 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 this 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 any authority, any

person other than the persons referred to in clause (b) of sub-section (1), such officer or person 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. *Repeal and saving, Governor's Act No. XXIV of 1990.*--(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.

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**THE JAMMU AND KASHMIR FOREST  
(CONSERVATION) (AMENDMENT) ACT, 2002.**

**Act No. XXXII of 2002.**

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002].

An Act to amend the Jammu and Kashmir Forest (Conservation) Act, 1997.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of the Republic of India as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Jammu and Kashmir Forest (Conservation) (Amendment) Act, 2002.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 2, Act XXX of 1997*.—The existing section 2 of the Jammu and Kashmir Forest (Conservation) Act, 1997 shall be renumbered as sub-section (1) thereof and thereafter the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in sub-section (1) the District Planning and Development Board concerned may accord permission for construction of rural roads, execution of electric, irrigation and public health engineering works or such other developmental works when passing through demarcated or un-demarcated forests subject to the condition that the land required for the purpose does not exceed two hectares of forest land and the permission shall be accorded only once for an individual case without any further extension.

(3) Notwithstanding anything contained in any law for the time being in force, the Forest Department shall not be entitled to any compensation for any forest land for which permission has been accorded under sub-section (1) or sub-section (2) subject to the condition that area of such land does not exceed one hectare.”

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