

# Haryana Forest Development Act, 1983

HARYANA

India

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### Act 7 of 1983

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Haryana Forest Development Act, 1983 Haryana Act No. 7 of 1983 Received the assent of the Governor of Haryana on the 4th April, 1983, and was published in the Haryana Gazette. (Extra), Legislative Supplement, Part I, dated April 6, 1983/Chaitra 16, 1905. An Act to provide for the establishment of the Haryana Forest Development Board for undertaking the development of forest resources, utilization 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 section 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 headquarters 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 none 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 and 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 section 5 :Provided that he shall hold office for the unexpired portion of the term of his

predecessor.

## **11. Certain defects not to vitiate acts and proceedings.**

- No disqualification of 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 paid 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 he 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

proceedings of each meeting shall be recorded in a book to be provided for the purpose and a copy of such minutes shall be forwarded to the State Government.

## **17. Association of persons.**

(1)The Board may associate with itself, any person 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.**

- 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 resources 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 lands 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;(g)to undertake any other function which the State Government may assign to the Board, within the scope of this Act.

## **21. Fund to Board.**

(1)The Board shall have a fund to be called the Forest Development Fund.(2)The Forest Development Fund will be financed by the State Government.(3)The Board may accept grants, subventions, donations and gifts from the Central Government or any individual or body whether

incorporated or not.(4)All money received by or on behalf of the Board shall form part of the Forest Development Fund.(5)Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in the State Bank of India or in a Scheduled Bank of a Co-operative Bank.(6)The Fund shall be operated upon by such officers as may be authorised by the Board.

## **22. Budget.**

- The Board shall prepare in such form, and at such time every year, as may be prescribed a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Board and shall forward to the State Government such number of copies thereof, as may be prescribed.

## **23. Expenditure.**

- The Board shall incur expenditure to discharge the duties and functions of the Board according to the bye-laws made by the Board.

## **24. Power of Board to borrow.**

(1)The Board may from time to time, with the provision of the State Government and subject to such conditions as may be prescribed in this behalf, borrow any sum.(2)The loans borrowed under this section may be guaranteed by the State Government as to the repayment of the principal and interest.

## **25. Accounts and audit.**

(1)The Board shall cause to be maintained proper books of accounts and such other books as the bye-laws made under this Act may require.(2)The Board shall cause its accounts to be audited annually by such persons as the State Government may specify.(3)The accounts of the Board together with the audit report thereon shall be forwarded to the State Government.

## **26. Transfer of assets and liabilities.**

(1)The State Government may transfer to the Board buildings, lands, forests or any other property moveable or immovable for the use and management by the Board.(2)The State Government may transfer to the Board such schemes, projects or works in progress with all their assets and liabilities, as are run or managed by it.

## **27. Submission of reports and returns.**

(1)The Board shall submit to the State Government reports on such matters and at such intervals as may be prescribed.(2)The Board shall submit to the State Government such statistics, returns,

particulars or statements in regard to the forests in such form and manner as may be required from time to time.

## **28. Power of entry.**

- The Director or any other person authorised by the Board, may enter into or upon any land with or without assistants or workmen, in order -(a)to make any inspection, survey, measurement, valuation or enquiry;(b)to undertake any works implemented by the Board or proposed to be implemented by the Board;(c)to do any other thing necessary for the purposes of this Act.

## **29. Conferment of powers of Forest Officers.**

- All the officers and employees of the Board shall be deemed to be Forest Officers within the meaning of the Indian Forest Act, 1927 and they shall be competent to exercise the powers of Forest Officers, so far as may be necessary, for the purpose of performing their duties under this Act.

## **30. Public servants.**

(1)All members, officers and servants of the Board shall be deemed while acting or purporting to act in pursuance of any provision of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.(2)No suit, prosecution or legal proceedings shall lie against any person for anything which is in good faith done or purported to be done under this Act.

## **31. Notice of suit against Board.**

- No person shall institute any suit against the Board or against any officer or servant of the Board or any person acting under the orders of the Board for anything done or purporting to have been done in pursuance of this Act, without giving to the Board, officer or servant or person concerned, two months' previous notice, in writing, of the intended suit and of the cause thereof.

## **32. Power of Government to give directions to Board.**

- The State Government may give to the Board, such directions, as in its opinion are necessary or expedient, for carrying out the purposes of this Act and it shall be the duty of the Board to comply with such directions.

## **33. Control of State Government over Board.**

(1)The State Government shall exercise superintendence and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of its being satisfied that the Board is not functioning properly or is abusing its powers. It may, by notification supersede the Board :Provided that before superseding the Board of State Government shall give a reasonable opportunity to the Board for showing cause against the proposed supersession :Provided further

that the Board shall be reconstituted, within a period of one year, from the date of its supersession.(2)When the Board is superseded under sub-section (1), the following consequence shall ensue, namely :-(a)all members of the Board including the Chairman shall, from the date of the notification, vacate their offices;(b)all powers, duties and functions of the Board shall, during the period of supersession, be exercised and performed by such person (to be called the administrator) as may be appointed by the State Government:Provided that the administrator may, subject to the approval of the State Government, delegate any of his powers, duties or functions to any other person as he may think fit;(c)all assets and liabilities of the Board shall, until it is reconstituted, vest in the State Government.

### **34. Appeal.**

(1)An appeal shall lie from an original or appellate order of any officer of the Board or the Chairman under this Act or any rule or bye-laws made thereunder :-(a)to the Chairman when the order is made by any officer of the Board; and(b)to the Board when the order is made by the Chairman(2)Every such appeal shall be preferred within a period of thirty days of the date of communication of the orders :Provided that the Chairman or the Board, as the case may be, may entertain the appeal after the expiry of the period of thirty days if he or it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

### **35. Power to make rules.**

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

### **36. Dissolution of Board.**

(1)The State Government may, by notification, declare that, with effect from such date as may be specified in the notification, the Board shall stand dissolved.(2)With effect from the date specified in the notification under sub-section (1), -(a)all properties, funds and dues which are vested in and realisable by the Board shall vest in and be realisable by the State Government;(b)all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds, dues vested in and realised by the State Government.(3)Nothing in this section shall affect the liability of the State Government in respect of loans or debentures guaranteed under section 24.

### **37. Removal of difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notified order, not inconsistent with the provisions of this Act, remove the difficulty.

### **38. Repeal.**

- The Haryana Forest Development Ordinance, 1982 (Haryana Ordinance No. 4 of 1982), is hereby repealed.