



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: LL.B.**

**Semester: IV**

**SUBJECT: Environmental Laws**

**SUBJECT CODE: LLB404**

**NAME OF FACULTY: Mohammad Aqib**

# Lecture-39



## **LECTURE 39: Penalty, Offences and Constitution of Advisory Committee under Forest Act**

### **The appeal before the National Green Tribunal (Section 2A)**

Section 2A of the Forest (Conservation) Act, 1980 states that any person is unhappy by the order of the State Government and that some other authorities may file an appeal under Section 3 of the National Green Tribunal Act, 2010 to the National Green Tribunal in accordance with the rules of that act.

### **Case Laws**

#### **Tarun Bharat Sangh, Alwar v. Union of India**

The petitioner Tarun Bharat Sangh, who was interested in environmental protection, wanted to make Sariska Tiger Park which is a tiger reserve which was located in Rajasthan, as a reserve forest because many people were illegally using that area for mining. When he asked the State Government then the State Government said it can't be declared as a reserve forest, but when he said the same to the Supreme Court of India then the Court formed a committee which consisted of the State authorities, forest officers who were experts within chairmanship of a retired judge. After the meeting, the Court ordered not to do mining in that land and the committee should ensure the obedience, enforcement and implementation of the order. And also they were asked to compensate for the damage done.

### **Constitutional of Advisory Committee (Section 3)**

According to Section 3 of the Act, it is given that the Central Government constitutes of a group of a number of persons on the basis of their knowledge so that they may be enough fit to give advice to the Government with respect to:

- The restriction regarding Section 2 of the Act.
- Any matter of which is related to conservation of forest which can be said to the Central Government.

### **Penalty for contravention of the provision for Act**

According to Section 3A of the Act states that if a person breaks or avoids any of the provisions mentioned under Section 2 of this Act shall be punished with simple imprisonment up to 15 days.

### **Offences by the authorities and the Government.**

According to Section 3B of this Act, when an offence has been committed by any department of government or by any authority, every person who was present in that time when the offence was committed will be directly charged for the offence and held responsible for it if found to be guilty for the offence than they would be punished. If the head of the department or any person who is accused of an offence, proves that he/she has committed the offence by mistake or without knowledge then he/she will not be held liable for such offences.