

Jammu and Kashmir Nationalization of Forest Working Act, 1987

JAMMU & KASHMIR

India

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Act 7 of 1987

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Jammu and Kashmir Nationalization of Forest Working Act, 1987(Act No. 7 of 1987)[Dated 21st April, 1987]An Act to further ensure the completion of process of Nationalization of Forest working in the state in the public interest.

1. Short Title.

- This Act may be called as the Jammu and Kashmir Nationalization of Forest Working Act, 1987.

2. Definitions.

- In this Act, all expressions used but not defined shall have the same meaning as is assigned to them under the Forest Act, Samvat 1978.

3. Ban on Forest Working by Private persons.

- Notwithstanding anything to the contrary contained in any law, rule, instrument, agreement or contract or in any judgment, decree or order of any court or authority-(a)as from the commencement of the Jammu and Kashmir Nationalization of Forest Working Act, 1987, no person shall fell any tree or convert any timber or carry on the felling of any tree or conversion or removal of any timber in any demarcated forest of the state;(b)any lease, contract or authority in existence at the commencement of the Jammu and Kashmir Nationalization of Forest Working Ordinance, 1986 for felling of tress or conversion or extraction of timber from such trees or for removal of timber from the demarcated forest shall have cease to have effect and right which might have accrued to any person under such contract, agreement or authority shall stand extinguished and shall vest in the state:Provided that nothing in clause (b) shall have the right of the Government to recover any amount payable to it on account of royalty, interest,compensation,penalty or any other sum

chargeable from any person by virtue of any lease, contract or authority referred to above in the manner provided for in any such lease, contract or authority.

4. Vesting of Timber in the State.

- Notwithstanding anything to the contrary contained in any law, rule, instrument, agreement or contrary or in any judgment, decree or order of any Court or Authority-(a)any extinguishment of right, cessation of lease, contract or authority or vesting of any timber in the state or declaration of any timber as the property of the state, under any law, rule or order or under any agreement, contract or instrument or prior to the commencement of this Act, shall be and shall be deemed always to have been validity made or done and all acts done, proceedings taken or orders issued for purposes of or in relation to any such extinguishments of rights, cessation of leases, vesting of timber in the state or declaration of timber as the property of the state, shall be and shall always be deemed to be good and valid in law; and(b)any timber already vested in the state or declared to be the property of the state under or by virtue of any law, rule, order, lease, agreement or contract at any time prior to the commencement of this Act shall be disposed of by the Government in such manner as it may direct.

5. Right of the Government to recover the amount.

- Nothing shall effect, abridge or take away or be deemed ever to have effected, abridged or taken away the right of the Government to recover any amount payable to it on account of royalty, interest, compensation or any other sum chargeable from any person under any rule, law, agreement, contract or instrument or order of any authority, before the commencement of this Act and every such right of the Government shall continue to be valid and enforceable and shall always be deemed to have been valid and enforceable in law, notwithstanding such law, rule, agreement, contract or instrument or order of any authority, ceased to have effect at any time before the commencement of this Act.

6. Payment and determination of amount.

- In respect of timber for which amount is payable under the Jammu and Kashmir Nationalization of Forest Working Ordinance, 1986 and which has not been paid, there shall be paid an amount to be determined in accordance with the following principles an authority to be appointed by the Government, namely-(a)Actual expenditure incurred on the felling, conversion and transportation;(b)Any cost incidental to such felling, conversion and transportation;(c)Cost of working capital employed for the above operations to be paid at the rate of 15% per annum;(d)Any other cost which is in the opinion of the authority has been incurred but is not covered by the above provision to be paid;(e)Any royalty already paid to the Government in respect of such timber to be refunded.

7. Working of Forest Department and the Jammu and Kashmir State Forest Corporation Saved.

- Nothing contained in this Act shall prevent or restrict any operation involved in felling or extraction of any tree, conversion of any timber or forest produce in any demarcated forest or transportation or sale of any timber, or forest produce, by the state Forest Department or the Jammu and Kashmir State Forest Corporation or their authorized agents appointed for all or any one of such operations.

8. Rights of persons entitled to timber on concessional rates saved.

- Nothing contained in this Act shall prejudice the right of a person entitled to obtain timber on concessional rates to fell or convert the timbers in accordance with the orders issued by the competent authority under the provisions of the Jammu and Kashmir Forest Act, Samvat 1987 and rules made thereunder.

9. Penalty.

- Any person who contravenes the provisions of this Act or abets the contravention thereof shall be punishable with imprisonment for a term which may extend to five years but shall not be less than three years.

10. Powers to make rules.

- The Government may make rules for carrying out the purposes of this Act.

11. Repeal and Saving.

(1)The Jammu and Kashmir Nationalization of Forest Working Ordinance, 1986 is hereby repealed.(2)Notwithstanding such repeal anything done, any action taken or any saving made (including any appointment made or any amount determined or paid or any notification or order issued) shall be deemed to have been done, taken or made under the corresponding provisions of this Act.