

# **Arunachal Pradesh Forest and Special Tiger Protection Force Act, 2012**

ARUNACHAL PRADESH

India

## **Arunachal Pradesh Forest and Special Tiger Protection Force Act, 2012**

### **Act 2 of 2013**

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Arunachal Pradesh Forest and Special Tiger Protection Force Act, 2012(Act No. 2 of 2013)(Received the assent of the Governor on 19th February, 2013 and Published in the Arunachal Pradesh E.O. Gazette No. 30, Vol-XX, dated 4th March, 2013)An Act to provide for the constitution and regulation of forces called the Arunachal Pradesh Forest Protection Force and Arunachal Pradesh Special Tiger Protection Force, for better protection and security of Forests, Forests Produce, Forest Infrastructure, Wildlife inside and outside the forests and Tigers and other wildlife in the Tiger Reserves, in the State of Arunachal Pradesh and matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-third Year of the Republic of India as follows:-

### **1. Short title, extent and commencement.**

(1)This Act may be called the Arunachal Pradesh Forest and Special Tiger Protection Forces Act, 2012.(2)It shall extend to the whole of Arunachal Pradesh(3)It shall come into force on such date as the State Government by notification in the Official Gazette appoints.

### **2. Definitions.**

- In this Act, unless the context otherwise requires ;(a)"Governor" means the Governor of Arunachal Pradesh.(b)"Government" means the State Government of Arunachal Pradesh.(c)"National Tiger Conservation Authority" means National Tiger Conservation Authority, Ministry of Environment & Forests, and Government of India.(d)"Force" means the Arunachal Pradesh Forest Protection Force, or the Arunachal Pradesh Special Tiger Protection Force constituted by the State Government under section 3 of this Act.(e)"Forests" means Wildlife Sanctuaries, National Parks, Conservation Reserves, Community Reserves as defined or notified under the Wildlife Protection Act, 1972, the

Tiger Reserves, Reserved Forests, Protected Forests, Anchal Reserved Forests, Village Reserved Forests, Proposed Reserved Forests where preliminary notification has duly been published in the Arunachal Pradesh Gazette and the un-classed State Forests so constituted or defined under the Assam Forest Regulation, of 1891 or any area recorded as forests in the Government records including the area under various Social Forestry Plantations.(f)"Forest Produce" includes -(i)Timber, charcoal, wood oil, resin, natural varnish bark,lac, myrabolans, rhinoceros horns and anything found in or brought from a forest;(ii)Trees and leaves, fruits and all other parts or produce, not herein before mentioned, of tree ;(iii)Plants not being trees (including grasses creepers, reeds and moss) and all parts or produce of such plants;(iv)Wild animals and skins, tusk and horns, bones other than rhinoceros horn, silk-cocoons, honey, wax and all other parts or produce of animals;(v)Peat, surface soil, rock and minerals (including limestone, laterite, mineral oils and all produce of mines or quarries),(g)"Forest Officer" means any person appointed by name or as holding an office by or under the orders of the Government to be a Principal Chief Conservator of Forests, Additional Principal Chief Conservator of Forests, Chief Conservator of Forests, Conservator, deputy Conservator, Assistant Conservator of Forests, a Wildlife Warden,Forest Ranger, Deputy Ranger, Forester, Forest Guard, Game Watcher, Forest Watcher, Mahut, Boatman or who discharges any function of a Forest Officer under the Assam Forest Regulation of 1891, and the Wildlife (Protection) Act. 1972,(h)"Principal Chief Conservator of Forests" means the Principal Chief Conservator of Forests appointed under section 6;(i)"Member of the Force" means a person appointed to the Forces other than a supervisory officer;(j)"Member Secretary" means Member Secretary, National Tiger Conservation Authority.(k)"Supervisory Officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Government as a supervisory officer of the Forces.(l)"Prescribed" means prescribed by rules made under this Act.(m)"Wildlife", includes any animals, bees, butterflies, crustacea, fishes and moths, and aquatic or land vegetation which forms part of any habitat.

### **3. Constitution of the Forces.**

(1)There shall be constituted and maintained by the Government,(a)Force to be called the Arunachal Pradesh Forest Protection Force for better protection and security of forests, forest infrastructure, Forest Produce, Wildlife inside and outside the forests in the State of Arunachal Pradesh, and(b)a Force to be called the Special Tiger Protection Force for the better protection and security of the Tiger, the Tiger Reserves, Forest infrastructure, Forest, Forests Produce and Wildlife inside the Tiger Reserves.(2)The Forces so constituted shall consist of such number of supervisory officers and members who shall receive pay and other remunerations as may be prescribed.

### **4. Appointment and power of Supervisory Officers.**

- The Government may appoint any Forest Officer or Police Officer on deputation as supervisory officer to be the Commandant, Deputy Commandant, Assistant Commandant, and Platoon Commander of the Forces as may be prescribed and required from time to time.

## **5. Appointment of the members of the Force.**

(1)The appointment of the members of the Forces shall rest with the Principal Chief Conservator of Forests who shall exercise that power in accordance with the Rules made under this Act Provided that the power of appointment under this section may also be exercised by such other Supervisory Officer not below the rank of Deputy Conservator as the Government may by order specify in this behalf,(2)The designation and rank of the members of the Force shall be regulated by Rules made under this Act and at the time of initial constitution shall comprise of,(i)Company Commander/Inspector.(ii)Platoon Commander/Sub-Inspector or Assistant Sub Inspector,(iii)Section Commander/Head Forester.(iv)Special Tiger Guard/ Forest Constable

## **6. Certificate of the member of the Force.**

(1)Every member of the Force shall receive on his appointment a certificate in a prescribed form under the seal of the Principal Chief Conservator of Forests or such other Forest Officer as the Principal Chief Conservator Forests may specify in this behalf by virtue of which the person holding such certificate shall be vested with the power of a member of the Force.(2)Such certificate shall cease to have effect whenever the person named in it ceases to be a Member of the Force.

## **7. Superintendence control Administration of the Force.**

(1)(a)The Superintendence and control of the Arunachal Pradesh Forest Protection Force shall vest with the Principal Chief Conservator of Forests and shall be carried on by him in accordance with the provisions of this Act and Rules made there under,(b)The Superintendence and control of the Arunachal Pradesh Special Tiger Protection Force shall vest with the Chief Wildlife Warden and shall be carried on by him in accordance with the provisions of this Act and Rules made there under.(2)The Principal Chief Conservator of Forests or the Chief Wildlife Warden shall have the powers to authorize any officers subordinate to them, to exercise such powers for administration and deployment of the force under their superintendence.(3)The Arunachal Pradesh Special Tiger Protection Force is liable to be deployed in any Tiger Reserves of India on being so requisitioned by the Member Secretary, National Tiger Conservation Authority.(4)Subject to the provision of sub-section (1) the administration of the Forces, within such local limits as may be prescribed, shall be carried on by other supervisory officers in accordance with the provisions of this Act and or any Rules made thereunder and every supervisory officer placed in charge of the protection and security of Forests, Forests Produce and wildlife shall, subject to any directions that may be given by the Government in this behalf discharge his functions under the general supervision, direction and control of the concerning Forest Officer of the territory.

## **8. Penalties.**

- Subject to the provision of Article 311 of the Constitution and to such rules as the Government may under this Act make, any Supervisory Officer may-(i)Dismiss, suspend or reduce in rank any member of the Force whom he thinks remiss or negligent in the discharge of his duty or unfit for the

same or fails without reasonable cause, to report himself for duty on expiration of leave, or(ii)Award any or more of the following punishments to any member of the Forces who willfully breaches any rules or regulation or discharges his duty in a careless manner or who by any act of his own renders himself unfit for the discharge thereof, namely;(a)Impose fine to any amount not exceeding seven days pay or reduction in pay scale ;(b)Order for drill, extra guard, fatigue or other duty;(c)Remove from any office of distinction or deprive from any special emolument;(d)Pass other punishment/ punishments as may be deemed fit and proper.

## **9. Appeal and revision.**

(1)Any member of the Forces aggrieved by an order made under section 8 may, within 30 (thirty) days from the date on which he order is communicated to him, prefer an appeal against the order to such authority as may be prescribed, and subject to the provisions of sub - section (3) of this section, the decision of the said authority thereon shall be final:Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.(2)In disposing of an appeal, the prescribed authority shall follow procedure as may be prescribed.(3)The Government may call for and examine the proceedings under Section 8 or under sub-section (2) of this section and may make such inquiry or cause such inquiry to be made and subject to the provision of this Act, may pass such order thereon as it thinks fit:Provided that no order imposing an enhanced penalty under subsection (2) or sub-section (3) shall be made unless a reasonable opportunity of being heard has been given to the person affected by order.

## **10. Duties of Member of the Forces.**

- It shall be the duty of every supervisory officer and member of the Forces-(a)To promptly obey and execute all orders lawfully issued to him by his superior Authority ;(b)To protect and safe guard the Forests, Forests Produce, Wildlife and security of Forest personnel of the State of Arunachal Pradesh;(c)To protect and safeguard other properties owned by the Forest Department of the State Government of Arunachal Pradesh;(d)To do any other act conducive to the better protection and security of Forests, Forest Produce and Wildlife etc, referred to in clauses(b)and (c) above.

## **11. Powers to arrest without warrant.**

(1)Any supervisory officer or Member of the Force, may without any order from a Magistrate and without a warrant, arrest any person, who has been concerned in or against whom a reasonable suspicion exist of his having been concerned in or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, cognizable offence relating to -(i)Forest, Forest Produce, Wildlife and Forest personnel of the State of Arunachal Pradesh.(ii)Property belonging to the Forest department of the State Government of Arunachal Pradesh;(2)If any person is found trespassing or squatting in any Reserved Forest, Protected Forests, Anchal Reserve Forests, Village Reserve Forests. Plantation and premises owned by the Forest Department, National Parks, Tiger Reserves, Wildlife Sanctuaries, Conservation Reserve or Community Reserve, he may, without prejudice to any proceedings which

may be taken against him, be removed from such areas by any supervisory officer or member of the Forces.

## **12. Powers to search without warrant.**

(1) Whenever any supervisory officer, or any member of the Forces, not below the prescribed rank has reason to believe that any such offence as is referred to in Section (11) have been or being committed and that a search warrant cannot be obtained without affording the offender an opportunity, of escaping or concealing evidence of the offence, he may detain an offender and search his person and belonging forthwith and if he thinks proper, arrest any person whom he has reason to believe to have committed the offence. (2) The provision of the Code of Criminal Procedure Act, 1973, so far as it relates to the searches under that code shall, apply to searches under this section.

## **13. Procedures to be followed after arrest.**

- Any supervisory officer or member of the Forces making an arrest under this Act shall, without unnecessary delay, make over or send the person so arrested to a Magistrate having jurisdiction in the case.

## **14. Power to use fire arms as provided in Chapter XI & XII of Cr. PC.**

(1) In order to prevent commission of any offence and in order to make effective search, the officers and the other members of the Force will have the right to use minimum necessary force including use of fire arms as provided in Chapter XI and XII of the Code of Criminal Procedure Act, 1973. (2) The provisions, envisaged in sub-section (2) of section 197 of code of Criminal Procedure, 1973 shall apply to all the Members and Supervisory Officers of the Forces. (3) Wherever firing is resorted to by any personnel mentioned in clause (2) above, each such incident shall be inquired into by an Executive Magistrate of the locality, and any proceeding including institution of a criminal case of any nature or effecting an arrest can be initiated by the Police, only if, it is held, as a result of the Magisterial Enquiry that use of firearms has been unnecessary, unwarranted and excessive and such report has been examined and accepted by the Government.

## **15. Officers and members of the Forces to be considered always on duty and liable to be employed anywhere in the State of Arunachal Pradesh and India.**

(1) Every Supervisory Officer and member of the Force shall for the purpose of this Act be considered to be always on duty, and shall at any time, be liable to be employed at any place within the State of Arunachal Pradesh and in so far as the Arunachal Pradesh Special Tiger Protection Force is concerned, its members and the supervisory officer shall also be liable to be posted any where within India, on being requisitioned by Member Secretary, National Tiger Conservation Authority. (2) No Supervisory Officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.

## **16. Restrictions respecting right to form associations etc.**

- No member of the Force shall, (a) be a Member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions, or political associations; or (b) be a Member of, or be associated in any way with, any other society, institution, association or organization that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic, or scientific character. Explanation. - If any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature under clause (b), the decision of the Government thereon shall be final. (2) No Member of the Force shall participate in, or address any meeting or take part in any demonstration organized by any body or persons for any political purposes or for such other purposes as may be prescribed.

## **17. Responsibilities of the Members of the Forces during suspension.**

- A member of the Force shall not by reason of his suspension from office cease to be member of the Force and he shall during that period be subject to the same responsibilities, discipline and penalties to which he would have been subjected to if he were on duty.

## **18. Surrender of certificates, arms etc, by persons ceasing to be Members of the Forces.**

(1) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any supervisory officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of duties as a member of the Forces. (2) Nothing in this section shall be deemed to apply to any article, which under the orders of the Principal Chief Conservator of Forests, has become the property of the person to whom the same was furnished.

## **19. Penalties for neglect of duty etc.**

(1) Without prejudice to the provisions contained in section 8, the act of willfully neglecting or refusing or surrendering certificate of appointment or the arms, accoutrements, clothing and other articles furnished as required under sub-section (1) of section 18, or the act engaging himself without authority in any employment other than his duty as a member of the Forces, shall be punishable with imprisonment for a term which shall not be less than six months or fine shall not be less than five thousand rupees or with both. (2) Notwithstanding anything contained in the Code of Criminal Procedure Act, 1973, offence punishable under this section shall be cognizable. (3) Nothing contained in this section shall be construed to prevent any member of the Force from being prosecuted under any other law for time being in force for an offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided

for such offence under this section :Provided that no person shall be punished twice for the same offence.

## **20. Application of Act 22 of 1922 to Officers and Members of the Forces.**

- The Police (Incitement to Disaffection) Act, 1922 shall apply to the supervisory officers and members of the Forces, as it applies to the members of the Police Force.

## **21. Protection of acts of Officers and Members of the Forces.**

(1)In any suit or proceeding against any supervisory officer or member of the Forces for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the order of a competent authority.(2)Any such plea may be proved by the production of the order directing to act, and if it is so proved, the supervisory officer or the member of the Force shall thereupon be discharged from any liabilities in respect of the act so done by him.(3)Notwithstanding anything contained in any law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any supervisory officer or the member of the Force or anything done or intended to be done under the powers conferred by or in pursuance of any provision of this Act or the Rules made thereunder shall be commenced within three months after the act complained of having been committed and not other wise and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his supervisory officer at least one month before the commencement of such proceeding.(4)For prosecution of any officer or member of the Force, sanction as required under section 197 of the Code of Criminal Procedure Act, 1973 will be necessary.

## **22. Boards of Studies.**

(1)The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for-(a)Regulating the classes, ranks, grades, pay and remunerations of supervisory officers and members of the Force and their conditions of service in the Force;(b)Regulating the powers and duties of Supervisory Officer and members of the Force authorized to exercise any functions by or under this Act;(c)Fixing the period of service for supervisory officers and members of the Force,(d)Prescribing the description and quantity of arms, accoutrement's, clothing and other necessary articles to be furnished to the member of the Force;(e)Prescribing the places of residences of the Force;(f)Institutions, managements and regulation of any fund or any purpose connected with the administration of the Force ;(g)Regulating the punishment and prescribing the authorities to whom appeal shall be preferred from orders of punishment and the procedure to be followed for the disposal of such appeal;(h)Any other matter which has to be or may be prescribed(3)Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Arunachal Pradesh while it is in session for a total period of 10 days which may be comprised of one session or two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following the State Assembly agrees in making any modification in the rule or agrees that the rules should not be made,

the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.