

Tamil Nadu Preservation of Private, Forests Act, 1949

TAMILNADU

India

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Act 27 of 1949

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Tamil Nadu Preservation of Private, Forests Act, 1949(Tamil Nadu Act 27 of 1949)Statement of Objects and Reasons. - The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), which was enacted with a view to prevent the indiscriminate destruction of private forests, applies to forests situated in "estates" as defined in the Madras Estates Land Act, 1908 (Madras Act 1 of 1908) and also to private forests situated in other areas which have a contiguous area exceeding 100 acres and which may be declared by the State Government to be forests for the purposes of the Act. It has been brought to the notice of the Government that there has been widespread, indiscriminate cutting of trees in private forests, in areas to which the Madras Preservation of Private Forests Act, 1949, as it now stands, does not apply. Such indiscriminate cutting will considerably depreciate the utility and value of the lands and it may adversely affect the proper use to which such land may be put hereafter. The Government have, therefore, decided to prevent this indiscriminate cutting of trees immediately, by enlarging the scope of the Madras Preservation of Private Forests Act, 1949 and making it applicable to private forests, in areas other than estates, which have a contiguous area exceeding 30 acres, and also by empowering the District Collector to declare such private forests to be forests for the purposes of the Act by notification in the District Gazette. This Bill seeks to give effect to this decision.For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 1st November 1949, Part IV-A page 445.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 2nd August 1960.Statement of Objects and Reasons - Tamil Nadu Preservation of Private Forests Act, 1949. - The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) was enacted to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein. The life of Madras Act XXVII of 1949 was being extended from time to time by means of amending Acts. Under the latest amendment made last by Madras Act 23 of 1963, the life of Madras Act XXVII of 1949 was extended up to the 2nd December 1965. The Government have since re-examined in detail, the need for undertaking a comprehensive legislation in respect of private forests in this State and have decided that a consolidated Private Forests Act is not necessary and that the provisions of the Madras Act XXVII of 1949 are sufficient to prevent the indiscriminate destruction of private forests.2. The Government consider that it is not necessary to keep Madras Act XXVII of 1949 as a temporary Act by extending its life periodically and have decided to make the

Act a permanent one.³ The Bill seeks to give effect to the above proposal. Statement of Objects and Reasons - Tamil Nadu Preservation of Private Forests (Amendment) Act, 1951. - Section 1(3) of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) (which reproduced the Madras Preservation of Private Forests Act, 1946), provided that that Act should remain in force up to and inclusive of the 2nd December 1950. Its life was subsequently extended for another year by Madras Act XXX of 1950. When this was done, it was anticipated that a Bill which was then under preparation for the amendment of the Madras Forest Act, 1882, and which contained, inter alia, the essential provisions of the Madras Preservation of Private Forests Act, 1949, would be passed into law by August or September of this year at the latest. But mainly on account of the pressure of work connected with other Bills, the Madras Forest (Amendment) Bill could be finalised only recently. Although the Bill is now ready, as it is a fairly big measure, it is not likely to be passed into law soon. It has therefore become necessary to extend the life of the principal Act for a further period. Statement of Objects and Reasons - Tamil Nadu Preservation of Forest (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957). - The life of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) was extended up to the 2nd December 1957 when the Act was last amended in 1955. The Government have since decided that separate legislation be undertaken in respect of private forests in this State. It is unlikely that this separate legislation will materialise before the date of expiry of the Madras Preservation of Private Forests Act, 1949, namely, the 2nd December 1957. It is therefore proposed to extend the life of the Act for a further period of two years. Consequent on the reorganisation of States, it is also proposed to amend the Act by omitting portions relating to private forests in the Malabar and the South Kanara districts. The Bill seeks to give effect to the above proposals. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 11th November 1957. Statement of Objects and Reasons - Tamil Nadu Preservation of Private Forests (Amendment) Act, 1959 (Tamil Nadu Act 20 of 1959). - The life of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) was extended up to the 2nd December 1959, when the Act was last amended in 1957. The Government have since decided that separate legislation may be undertaken in respect of private forests in this State. It is unlikely that this separate legislation will be enacted before the date expiry of the Madras Preservation of Private Forests Act, 1949, namely, the 2nd December 1959. It is therefore, proposed to extend the life of the Act for a further period of two years. The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 12th August 1959. Statement of Objects and Reasons - Tamil Nadu Preservation of Private Forests (Amendment) Act, 1961 (Tamil Nadu Act 33 of 1961). - The life of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) was extended up to the 2nd December 1961 when the Act was last amended in 1959. The Government have since decided that more comprehensive legislation may be undertaken in respect of private forests in this State. It is unlikely that this legislation will be enacted before the date of expiry of the Madras Preservation of Private Forests Act, 1949, namely, 2nd December 1961. It is, therefore, proposed to extend the life of the Act for a further period of two years. The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Fort St. George Gazette Extraordinary, dated the 16th August 1961. Statement of Objects and Reasons - Tamil Nadu Preservation of Private Forests (Amendment) Act, 1963 (Tamil Nadu Act 23 of 1963). - The life of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) was extended up to the 2nd December 1963 when the Act was last amended in 1961. The Government have already decided that a more comprehensive legislation may be undertaken in

respect of private forests in this State. The question of undertaking such a legislation is now under the active consideration of the Government in consultation with the Chief Conservator of Forests and the Board of Revenue. It is not likely that the proposed legislation will be enacted before the 2nd December 1963. It is, therefore, proposed to extend the life of the Act for a further period of two years.² The Bill seeks to give effect to the above proposal. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 9th October 1963. Statement of Objects and Reasons - Tamil Nadu Preservation of Private Forests (Amendment) Act, 1978 (Tamil Nadu Act 36 of 1979). - The Madras High Court in Criminal Case Revision Case No.491 of 1969 has observed that section 3(2) of the Tamil Nadu Preservation of Private Forests Act, 1969 (Tamil Nadu Act XXVII of 1969) has got to be redrafted envisaging the various [possibilities of cutting trees or reeds or doing any act likely to demude the forest or diminish its utility as a forest, even by hired labourers. In order to make the intention more clear, it has been decided to recast 3(2) of the Act suitably.² Rule 12 of the rules made under Tamil Nadu Act XXVII of 1969 inter alia empowers the District Collector to impose such penalty as he may deem fit in the case of violation of the conditions subject to which permission is granted under sub-section (2) of section 3 of the said Act. In *Dr. P. S. Nair v. State of Madras* (1967 II MLJ 331) the High Court held that the said rule 12 was ultra vires as it gave unfettered discretion to the administrative authority to impose penalty which was really a legislative power and not an administrative power. The High Court also held that the said rule could not be made in the absence of any power given under section (f) of the Act enabling the Government to frame such a rule. It has, therefore, been considered necessary to amend the said Act to make the violation of the terms or conditions of the permission granted under sub-section (2) of section 3, an offence punishable under the Act, to provide for the deposit of security for the observance of the terms or conditions of the permission, to provide for the forfeiture of the security deposited by the permit holder or any part thereof, in the event of any violation of the said terms or conditions and to specify the authority competent to order such forfeiture.³ According to section 29(2) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), a Magistrate of the First Class is competent to impose fine up to five thousand rupees. Sub-section (2) of section 7 of Tamil Nadu Act XXVII of 1949 has become unnecessary and it is accordingly proposed to omit it and to recast section 7 suitably.⁴ Section 12 of the said Act empowers the Government to issue order to remove any difficulty that may arise in giving effect to the provisions of the Act. The Supreme Court in *Jalan Trading Co. v. Mill Mazdoor Sabha* (AIR 1969 SC 691) and the Madras High Court in *Parasuraman v. State of Tamil Nadu* (AIR 1972 Madras 123) held that the power to remove difficulty by altering the provisions of the Act would in substance amount to exercise of legislative authority and that such power cannot be delegated to an executive authority. This opportunity has, therefore, been availed of to omit section 12 and to make necessary consequential amendments in the Act.⁵ Opportunity has also been availed to make provisions in the Act for placing all a notifications issued under the Act before the Legislative and to carry out certain formal drafting changes in the said Act.⁶ The Bill seeks to achieve the above object. Published in Part IV-section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 31.08.1978. Statement of Objects and Reasons - Tamil Nadu Presentation of Private Forest (Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979). - The existing provisions of the Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949) are not found to be effective in preventing the indiscriminate felling of trees in the private forests notified under the said Act. The said Act is now applicable to private forests having a contiguous area exceeding 12 hectares. In order to tighten up the existing provisions and to prevent

the indiscriminate felling of trees in private forests in this State, it is proposed to reduce the area to 2 hectares.2. Under the existing provisions of the said Act, the Collector is the authority competent to grant permission to fell trees in the private forests notified under the Act. To enforce the provisions of the Act more effectively and to deal with the applications for felling trees, etc., under the said Act, it is proposed to constitute a Committee consisting of the Collector as the Chairman and other officials of the Forests, Agriculture and Revenue Departments.3. The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 5th November 1979. Received the assent of the Governor-General on the 10th December 1949 and first published in the Fort St. George Gazette Extraordinary, dated 14th December 1949. An Act to prevent the indiscriminate, destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes. Whereas it is necessary [xxx] [The words 'pending further legislation' were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).] to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein: It is hereby enacted as follows:-

1. Short title, [application and commencement] [Substituted for the words 'application, commencement and duration' by section 4(i), of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965)].

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Preservation of Private Forests Act, 1949. (2) It applies- [***] [Clause (i) and the Explanation thereto were omitted by section 2(i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957)] (ii) to forests situated in estates as defined in the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estate Land Act, 1908, in the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]; (iii) [to private forests situated in other areas in the [State of Tamil Nadu] [Substituted by the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960).] and having a contiguous area exceeding [2 hectares] [The figures and word '12 hectares' were substituted for the figures and word '30 acres' by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979); and the figure and word '2 hectares' were substituted for the figures and word '12 hectares' by section 2(a) of the Tamil Nadu Preservation of Private Forest (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).] which may be declared by the District Collector to be forests for the purposes of this Act, by notification, in the District Gazette; but does not apply to reserved forests constituted under the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Forest Act, 1882 [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws

(Second Amendment) Order, 1969.] Act V of 1882), and lands at the disposal of the Government as defined in that Act.][Explanation. - A private forest exceeding [2 hectares] [Added by section 2(b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1954 Tamil Nadu Act XVIII of 1954).] in extent shall not cease to be such by reason only of the fact that, in a portion thereof, [trees, shrubs or reeds are felled or cut] [Substituted for the words 'trees or shrubs are felled' by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act 1965 (Tamil Nadu Act 12 of 1965).] with or without the permission of the [Committee] [Substituted for the words 'District Collector' by section 2(b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).] or lands are cultivated, or rocks, roads, tanks, rivers or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.](3)It shall come into force at once. [xxx] [The life of this Act has been extended from time to time. See Madras Acts XXX of 1950 and XXX of 1951 and Tamil Nadu Act III of 1954, XXX of 1954, XXXV of 1955, XV of 1957, 20 of 1959, 33 of 1961 and 23 of 1963; and this Act was made permanent by section 2 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965) The words, figures and letters 'and shall remain in force up to and inclusive of the 2nd December 1965' were omitted by section 4(ii) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).][***] [Sub-section (4) was omitted by section 4(iii) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965)].

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context, -(a)["Committee" means any Committee constituted under section 2-A and having jurisdiction;] [Original clause (a) was relettered as clause (aa) of that section and this clause was inserted by section 3 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).](aa)[[Original clause (a) was relettered as clause (aa) of that section and this clause was inserted by section 3 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).] "forest" includes waste or communal land containing [trees, shrubs and reeds] [Substituted for the words 'Trees and shrubs' by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).], pasture land and any other class of land declared by the [State] [Substituted for the word 'Province' by the Adaptation of Laws order, 1950.] Government to be a forest by notification [xxx] [The words and letters 'in the Forest St. George Gazette' were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amend.) Act, 1979 (Tamil Nadu Act 36 of 1979).],[Explanation. - For the purposes of this clause, communal land means -(i)beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;(ii)threshing-floor, cattle-stands, village-sites and other lands which are set apart for the common use of the villager;](b)'owner', in relation to a forest, includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;(c)'person' includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasantana family or branch;(d)['forest offence' means an offence punishable under this Act; [Clauses (d) and (e) lucre added by section 3 of the Tamil Nadu Private Forest (Amendment) Act, 1955 (Tamil Nadu Act XXXV of 1955).](e)the expressions 'Forest-officer' 'tree' 'timber' 'forest produce', cattle, 'Magistrate' and 'imprisonment' shall have the meanings, respectively, assigned to them in section 2 of the [Tamil

Nadu] Forest Act, 1882 [Tamil Nadu.] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act V of 1882).]

2A. [Constitution of committees. [Sections 2-A, 2-B and 2-C were inserted by section 4 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).]

(1)The State Government may, by notification with effect from such date as may be specified therein, constitute for each district a committee for the purpose of this Act, consisting of the following members, namely:-(a)the District Collector as Chairman of the committee;(b)the District Forest Officer having jurisdiction over the district;(c)the Tahsildar having jurisdiction over the area;(d)the Executive Engineer of the Agriculture Department in charge of soil conservation;(e)the Personal Assistant (General) to the Collector of the district who shall be the Secretary' of the Committee.

2B. Meetings of committees.

(1)The Committee may meet as often as may be necessary and shall, subject to the provision of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by the State Government under this Act, provided that not more than two months shall elapse between one meeting of the committee and another.(2)The Chairman of the committee or in his absence any member nominated by him in that behalf shall preside at a meeting of the committee.(3)All questions at a meeting of the committee shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman of the committee or in his absence the person presiding, shall have a second or casting vote.

2C. Vacancy in committee, etc., not to invalidate acts or proceedings.

- No act or proceeding of the committee shall be deemed to be invalid by reason only of the existence of any vacancy in the committee or any defect in the nomination of a member thereto or on the ground only that more than two months have elapsed between one meeting of the committee and another.] [Substituted for the original Explanation by the section 10(2) of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1965, (Tamil Nadu Act 22 of 1965).]

3. Preservation of private forests.

(1)(a)No owner of any forest shall, without the previous sanction of the [Committee] [Substituted for 'District Collector' by section 5(a) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act No. 68 of 1979).] sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.Explanation. - Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than [trees, timber and reeds] [Substituted for 'trees, and timber' by section 4(i) of

the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).] in the usual or customary manner for a period not exceeding two years.(b)[Any alienation in contravention of clause (c) shall be null and void - [Substituted for the original clause (b) by the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1954 (Tamil Nadu Act XVIII of 1954).](i)if the alienation is of any forest declared by [the District Collector] to be a forest under clause (iii) of section 1(2) or of any portion of such a forest, and is made on or after the date on which the declaration takes effect;(ii)[***] [Sub-clause (ii) was omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957)].(iii)if the alienation is of any other forest or of any portion of such a forest, and is made on or after the 16th August 1946.](2)[No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of the Tamil Nadu Preservation of Private Forests Act, 1946 (Tamil Nadu Act XVIII of 1946), or any other person shall without the previous permission of the [Committee] [Substituted by section 4 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979) the words 'cut trees' by section 4(ii) of the Tamil Nadu Presentation of Private Forests (Amendment) Act, 1965 (Act 12 of 1965).],-(a)cut trees or reads; or(b)any act likely to denude the forest or diminish its utility as a forest:Provided that nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.](3)Notwithstanding anything contained in sub-section (1) or sub-section (2), the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order 1950.] Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

4. Appeals.

- Any person aggrieved by an order under clause (a) of sub-section (1) of section 3 or under sub-section (2) of that section in regard to the sanction or permission referred to in that clause or sub-section may, within two months of the receipt of such order, prefer an appeal in writing to the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order 1950.] Government. The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order 1950.] Government shall pass such orders on the appeal as they may think fit.

4A. [Sanction to purchaser. [Inserted by Act No. 8 of 2015, dated 22.07.2015.]

(1)Notwithstanding anything contained in sub-section (1) of section 3, the purchaser of the whole or any portion of the forest, which has been sold by the owner of such forest without the previous sanction of the committee under clause (a) of sub-section (1) of section 3, may, apply to the committee for sanction to retain the whole or any portion of the forest, within such time as may be prescribed,(2)The committee may, by order, accord the sanction for the whole or any portion of the forest specified in the application, subject to such conditions as it may deem fit.(3)The committee may refuse to accord the sanction, if prosecution is instituted for any of the contraventions referred to in section 7, in such forest, other than the contravention of the provisions of sub-section (1) of section 3 or for any other reason to be recorded in writing.(4)Any person aggrieved by an order under sub-section (3) may, within two months from the date of receipt of such order, prefer an

appeal in writing to the State Government. The State Government shall pass such order on the appeal as they may think fit.(5)The sanction accorded under sub-section (2) shall not prohibit the institution of prosecution against the owner for the contravention of subsection (1) of section 3.]

5. [[Omitted by the Tamil Nadu Preservation Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).]

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6. Power to prohibit or regulate certain acts.

- If, in the opinion of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order 1950.] Government, it is necessary for the preservation of a forest or forests they may by notification [xxx] [The words and letters 'in the Forest St. George Gazette' were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amend.) Act, 1979 (Tamil Nadu Act 36 of 1979).],(i)prohibit or regulate the doing of any act likely to be detrimental to the preservation of such forest or forests;(ii)regulate the exercise of customary prescriptive rights in such forest or forests.

6A. [Applicability of Chapter VII Tamil Nadu V of 1882. [Inserted by section 4 of the Tamil Nadu Preservation of Private Forest (Amendment) Act, 1955 (Tamil Nadu Act XXXV of 1955).]

- The provisions of Chapter VII of the [Tamil Nadu] Forest Act, 1882 [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act V of 1882), shall apply to offence punishable under this Act, subject to the following modifications namely:-(i)in section 41, the proviso shall be omitted:(ii)in section 42, after the words "the Magistrate shall", the expression "subject to the provisions of section 8 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Preservation of Private Forest Act, 1949" shall be inserted;(iii)in section 44, the words "shall, if it is the property of the' Central or State Government or has been confiscated, be taken possession of by or under the authority of the District Forest Officer; and in any other case" shall be omitted.(iv)in section 45 and 49, for the words "the District Forest Officer", the words "the [committee] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]" shall be substituted;(v)in section-50 -(a)clause (a) shall be omitted;(b)in clause (c), the word "or" occurring at the end shall be omitted; and(c)clause (d) shall be omitted;(vi)Section 56 shall be omitted].

7. [Penalties. [Substituted for original section 7 by section 6 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).]

- Whoever contravenes -(a)the provisions of sub-section (1) or sub-section (2) of section 3, or(b)any of the terms or conditions subject to which permission is granted under sub-section (2) of section 3, or(c)any of the terms of a notification under section 6, shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.]

8. Institution of prosecution.

- No prosecution shall be instituted against any person without the sanction of the [Committee] [Substituted for the words 'District Collector' by section 5(a) of the Tamil Nadu Preservation of Private Forests (2nd Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).].

9. Bar of suits.

- No order of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or the [committee] [Substituted for the words 'District Collector' by section 5(a) of the Tamil Nadu Preservation of Private Forests (2nd Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).] under this Act and no notification issued by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under section 6 shall be liable to be questioned in any Court of law.

10. Power to make rules.

(1)The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may make rules for carrying out the purposes of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for-(a)the classes or kinds of trees which may be permitted to be cut and the girth of such trees;(b)the terms and conditions subject to which permission may be granted;(bb)[the deposit of such sum, if any, as may be specified in the rules as security for the due performance of the terms and conditions subject to which permission is granted under sub-section (2) of section 3, the forfeiture of the sum so deposited or any part thereof for contravention of any such term or condition and the adjudication of such forfeiture by such authority as may be specified in the rules;] [Inserted by section 7 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).](c)the procedure to be followed by the [committee] [Substituted for the words 'District Collector' by section 5(a) of the Tamil Nadu Preservation of Private Forests (2nd Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).] before granting permissions.

11.

[***] [This section was omitted by section 5 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965)].

12.

[***] [This section was omitted by section 8 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979)].

12A. [Publication of rules, commencement of rules and notifications and placing them before the Legislature.] [Substituted for the marginal heading 'Rules and orders to be placed before the Legislature' by section 9(1) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).]

(1)(a)All rules made under this Act, [xxx] [The words and figures 'and all orders made under section 12' were omitted by section 9(2)(a) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).] shall be published in the [Tamil Nadu Government Gazette] [Substituted for the words and letters 'Fort St. George Gazette' by section 9(2)(b) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).] and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are published.(b)All notification issued under this Act shall unless they are expressed to come into force on a particular day, come into force on the day on which they are published.(2)[Every rule made or notification issued under this Act] [Substituted for the words and figures 'Every rule under this Act, and every order made under section 12' by section 9(3)(a), by section 9(2)(b) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).], shall as soon as possible after it is made [or issued] [Inserted by section 9(2)(b) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).] be placed on the Table of [the Legislative Assembly] [Substituted for the to words 'both Houses of the Legislature' by Tamil Nadu Adaptation of Laws Order, 1987.] and if before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the to words 'both Houses agree' by Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or [notification] [Substituted for the word 'order' by section 9(3)(c) by Tamil Nadu Adaptation of Laws Order, 1987.] or [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or [notification] [Substituted for the word 'order' by section 9(3)(c) by Tamil Nadu Adaptation of Laws Order, 1987.] should not be made [or issued] [Inserted by section (3)(d), by Tamil Naau Adaptation of Laws Order, 1987.], the rule or [notification] [Substituted for the word 'order' by section 9(3)(c) by Tamil Nadu Adaptation of Laws Order, 1987.] 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 or [notification] [Substituted for the word 'order' by section 9(3)(c) by Tamil Nadu Adaptation of Laws Order, 1987.].

13. Saving and validation.

(1)Any rule or order made or purporting to have been made, any notification issued or purporting to have been issued, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken or anything done or purporting to have been done -(a)under any provision of the Madras Preservation of Private Forest Act, 1946 (Madras Act XVIII of 1946) (hereinafter in this section and in section 14 referred to as the said Act) and in force immediately before the 3rd December 1948, or(b)on or after the 3rd December 1948, under any provision of the said Act on the footing that the said Act was in force at the relevant time, or(c)under any provision of the Tamil Nadu Preservation of Private Forest Ordinance, 1949 (Madras Ordinance VIII of 1949) (hereinafter in this section referred to as the said Ordinance), shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that the said Act was in force at the relevant time or under the said Ordinance, be deemed to be a rule or order made, notification issued, decision or direction given, action or proceeding taken or thing done under the corresponding provision of this Act.(2)Any liability or penalty incurred or purporting to have been incurred, any punishment awarded or purporting to have been awarded and any prosecution commenced or purporting to have been commenced -(a)under any provision of the said Act before the 3rd December 1948, or(b)on or after the 3rd December 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or(c)under any provision of the said Ordinance,shall be deemed to have been incurred or commenced under the corresponding provision of this Act.

14. Indemnity for acts, etc., done after expiry of Madras Act XVIII of 1946.

(1)No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or any person acting under his direction or aiding or assisting him -(a)i or, or on account of, or in respect of, any sentence passed, or any act ordered or done by him in exercise of any jurisdiction or power purporting to have been conferred on him by the said Act, or(b)for carrying out any sentence passed by any Court in exercise of any such jurisdiction or power as aforesaid.(2)No suit or other legal proceeding shall lie against the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government for or on account of, or in respect of, any act, matter or thing whatsoever purporting to have been done in pursuance of or under the said Act.(3)Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force by the relevant time.

15. Repeals.

- The Tamil Nadu Preservation of Private Forests Act, 1946 (Madras Act XVII of 1946) and the Madras Preservation of Private Forests Ordinance, 1949 (Madras Ordinance VIII of 1946) are hereby repealed.