

The Indian Forest (Maharashtra Unification and Amendment) Act, 1960

MAHARASHTRA

India

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Act 6 of 1961

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The Indian Forest (Maharashtra Unification and Amendment) Act, 1960 (Maharashtra Act No. 6 of 1961) Statement of Objects and Reasons. - The Indian Forest Act, 1927 extended to the whole of the State of Maharashtra except the Hyderabad area thereof. In the Hyderabad area, the Hyderabad Forest Act, 1355F was in force. In order to have uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forest produce it was proposed to extend the Indian Forest Act, 1927, as in force in the Bombay area of the State of Maharashtra to the rest of the State and to repeal the corresponding laws in force in other areas including Madhya Pradesh Act amending that Act. It was also necessary to amend the Act with a view to facilitating the protection and better preservation of the limited forest resources of this State. This Act is designed to achieve the above objects. [Dated 3rd February, 1961] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1960, Part V, page 66. An Act to provide for uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forest produce in the State of Maharashtra, and for that and certain other purposes further to amend the Indian Forest Act, 1927. Whereas it is expedient to provide for uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forests produce in the State of Maharashtra, and for that and certain other purposes further to amend the Indian Forests Act, 1927; It is hereby enacted in the Eleventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Indian Forest (Maharashtra Unification and Amendment) Act, 1960.

2. Uniformity in Act XVI of 1927 throughout State and consequential provisions.

- For the purpose of providing uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forest produce in the State of Maharashtra, the provisions of the Indian Forest Act, 1927 (except Chapter VI and section 41A thereof), as in force immediately before the commencement of this Act in the Bombay area of the State, shall be so in force throughout the State of Maharashtra; and accordingly, (a) all amendments made by each of the following laws, that is to say, - (i) the Madhya Pradesh Indian Forest (Amendment) Act, 1950, and (ii) the Indian Forest (Madhya Pradesh Amendment) Act, 1954, to the Indian Forest Act, 1927, shall in their application to the Vidarbha region (except as respects things done or omitted to be done), cease to have effect, and shall stand repealed; (b) all amendments made to the Indian Forest Act, 1927, in their application to the Bombay area of the State of Maharashtra and in force at the commencement of this Act, shall be deemed to be extended to, and shall be in force in the remaining part of the State; and (c) the Hyderabad Forest Act, 1355F (except Chapter VIII thereof) shall stand repealed.

3. Amendment in section 1 of Act XVI of 1927.

- In section 1 of the Indian Forest Act, 1927, in its application to the whole of the State of Maharashtra as provided by section 2 (hereinafter referred to as "the principal Act"), - (i) to sub-section (2), after the words and letter "Part B States", the words "other than the Hyderabad area of the State of Maharashtra" shall be added; (ii) to sub-section (3), the following proviso shall be added namely :- "Provided that, on the commencement of the Indian Forest (Maharashtra Unification and Amendment) Act, 1960, this Act shall be in force in the Hyderabad area of the State of Maharashtra."

4. Amendment of section 2 of Act XVI of 1927.

- In section 2 of the principal Act, after clause (4A), the following clauses shall be inserted namely :- "(4B) 'Police Officer' means a Police Officer defined in the Bombay Police Act, 1951; (4C) 'Revenue Officer' means a Revenue Officer as defined in the Bombay Land Revenue Code, 1879, or where that Code is not in force, as defined in a law corresponding to that Code;"

5. Insertion of new section 2A in Act XVI of 1927.

- After section 2 of the principal Act, the following section shall be inserted namely :- "2A. Construction of certain references to Central or Bombay Acts. - In the application of this Act to any area of the State of Maharashtra other than the Bombay area thereof, any reference to a provision of a Central or Bombay Act shall, where no such Act is in force in that area, be construed as a reference to the provision of the corresponding law, if any, in force in that area."

6. Amendment of section 12 of Act XVI of 1927.

- Section 12 of the principal Act shall be renumbered as sub-section (1) of that section, and after the sub-section so renumbered, the following sub-section shall be inserted, namely :-(2) A copy of the order passed under sub-section (1) shall be furnished to the claimant by the Forest Settlement Officer, and another copy of that order shall be forwarded to the Forest Officer who attended the inquiry, or if no such Officer attended, to the Divisional Forest Officer."

7. Amendment of section 26 of Act XVI of 1927.

- In section 26 of the principal Act, -(i) in sub-section (1), for the words beginning with the brackets and letter "(b)" and ending with the words " or who, in a reserved forest- "the following shall be substituted, namely :-(b) set fire to a reserved forest to a proposed forest in land in respect of which a notification declaring the decision of the State Government to constitute it a reserved forest has been issued under section 4, or in contravention of any rule made by the State Government in this behalf, kindless in such forest any fire or leaves any fire or burning, in such manner as to endanger such a forest; or who, in a reserved forest or a proposed forest in land notified as aforesaid under section 4-"; (ii) after sub-section (3), the following sub-section shall be inserted namely :-(4) Where a person is convicted under clause (d) or (h) of sub-section (1), -(a) a Forest Officer not below the rank of a Ranger, or (b) a Police Officer not below the rank of a Sub-Inspector, or (c) a Revenue Officer not below the rank of a Mahalkari or Tahsildar, may evict him from the forest or land in relation to which he has committed the offence."

8. Amendment of section 33 of Act XVI of 1927.

- In section 33 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :-(3) Where a person is convicted of an offence under sub-section (1), -(a) a Forest Officer not below the rank of Ranger, or (b) a Police Officer not below the rank of Sub-Inspector, or (c) a Revenue Officer not below the rank of Mahalkari or Tahsildar, may evict him from the protected forest in relation to which he has committed the offence."

9. Amendment of section 35 of Act XVI of 1927.

- In section 35 of the principal Act, -(i) in sub-section (4); for the words "six months" the words "one year" shall be substituted; (ii) after sub-section (5), the following sub-section shall be inserted, namely :-(5-A) Where a notice issued under sub-section (3) has been served on the owner of a forest in accordance with sub-section (5), any person acquiring thereafter the right of ownership of that forest shall be bound by the notice as if it had been served on him as an owner and he shall accordingly comply with the notice, requisition and notification, if any, issued under this section."; (iii) after sub-section (6), the following sub-section shall be inserted, namely :-(7) Any person contravening any of the provisions of a notification issued under sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both."

10. Amendment of section 64 of Act XVI of 1927.

- In section 64 of the principal Act, in sub-section (1), for the words "Any Forest Officer or Police Officer", the words "Any Forest Officer, Police Officer or Revenue Officer" shall be substituted.

11. Amendment of section 65 of Act XVI of 1927.

- In section 65 of the principal Act, for the words "a Ranger" the words "a Ranger, any Police Officer of a rank not inferior to that of Sub-Inspector or any Revenue Officer of a rank not inferior to that of Mahalkari or Tahsildar" shall be substituted.

12. Amendment of section 66 of Act XVI of 1927.

- In section 66 of the principal Act, for the words "Every Forest Officer and Police Officer" the words "Every Forest Officer, Police Officer and Revenue Officer" shall be substituted.

13. Substitution of section 68 of Act XVI of 1927.

- For section 68 of the principal Act, the following section shall be substituted, namely :-"68. Power to compound offences. - (1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, empower a Forest Officer-(a)to accept from any person about whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 62 or section 63, payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum money, by way of compensation for the offence which such person is suspected to have committed, and(b)when arty property has been seized as liable to confiscation, to release the same on the payment of, or at his discretion, on acceptance of an undertaking in writing to pay, the value thereof as named by such officer.(2)On the payment of, or on acceptance of an undertaking in writing to pay, such sum of money, or such named value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings, other than those under section 82 where necessary, shall be taken against such person or property.(3)A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted or agreed to be accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of five hundred rupees."

14. Amendment of section 71 of Act XVI of 1927.

- In section 71 of the principal Act, for the words "eight annas" the words "fifty naye paise" shall be substituted.

15. Amendment of section 78 of Act XVI of 1927.

- Section 78 shall be renumbered as sub-section (1) of that section and after the sub-section so renumbered, the following sub-section shall be inserted, namely :-(2) All rules made by the State Government under this Act shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid, or the session immediately following and publish in the Official Gazette."

16. Amendment of section 82 of Act XVI of 1927.

- In section 82 of the principal Act, after the words "such produce", the words and figures "or on account of compensation or value of property agreed to be paid under section 68" shall be inserted.

17. Savings.

- The repeal of the provisions of the Hyderabad Forest Act, 1355 F. by section 2 shall not affect
-(a)the previous operation of the Act so repealed, or anything duly done or suffered thereunder;(b)any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or(c)any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Act so repealed; or(d)any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :Provided that, subject to the preceding provision, anything done or any action taken (including notifications and directions issued, rules, appointments, authorisations, inquiries, orders, declarations, assignments or seizures of property made, forest courts established, powers or sanction given, licences, permissions or passes granted, proclamations published, entries recorded, notices issued or served, control or management of forest assumed and bonds executed) by or under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of the principal Act as amended by this Act, deemed to be done or taken under the corresponding provisions of the principal Act and shall, until altered, repealed or amended by anything done or any action taken under the principal Act, continue in force accordingly.