

Arunachal Pradesh Forest (Removal of Timber) Regulation Act, 1983

ARUNACHAL PRADESH

India

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Rule

ARUNACHAL-PRADESH-FOREST-REMOVAL-OF-TIMBER-REGULATION of 1983

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Arunachal Pradesh Forest (Removal of Timber) Regulation Act, 1983Last Updated 8th February, 2020Published vide Notification Arunachal Pradesh Gazette, Extraordinary No. 253, dated 24-5-1983, vide Notification No. Law./Legn. 2/83, dated 24-5-1983 having received the assent of the President of India on 23-5-1983An Act to regulate and control the removal of timber outside the Union Territory of Arunachal Pradesh and matters connected therewithBe it enacted by the Legislature of Arunachal Pradesh in the Thirty-fourth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1)This Act may be called the Arunachal Pradesh Forest (Removal of Timber) Regulation Act, 1983.(2)It shall extend to the whole of the Arunachal Pradesh.(3)It shall come into force at once.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)"competent authority" means such authority as the Government may, by notification, appoint for the purpose of exercising the powers and functions of a competent authority under this Act and rules made thereunder, for the whole or any part of Arunachal Pradesh ;(b)"Government" means the Government of the Union Territory of Arunachal Pradesh;(c)"prescribed" means prescribed by rules made under this Act;(d)"State" means the Union Territory of Arunachal Pradesh ;(e)"Timber" means trees when they have fallen or have been felled and logged but does not include trees and logs up to 60 cm. mid girth and one metre length.(2)Words and expressions used, but not defined in this Act and defined in the Assam Forest

Regulations, 1891 as applied in Arunachal Pradesh shall have the meanings respectively assigned to them in that Regulation.

3. Restriction on removal of timber outside Arunachal Pradesh.

- No person shall remove or cause to be removed from the State for the purpose of trade or otherwise, any timber to any other place outside the State, and no trading depot shall be set-up or established in the State at any place without a licence from the competent authority.

4. Application for licence and its disposal.

(1) Every application for grant of licence under this Act shall be made to the competent authority in such form or on payment of such fee as may be prescribed. (2) Every order granting or refusing a licence under this Act shall be in writing, and in case of refusal shall contain reasons therefor.

5. Licence fee and period of its validity.

(1) The fee payable for a licence granted under this Act, the conditions of the licence, the route or routes through which the timber are to be transported to a place outside the State, and the period of validity of the licence, shall be such as may be prescribed and shall be specified in the licence. Provided that the licence fee, the conditions of the licence and the period of its validity may vary for different categories of timber: Provided further that such period shall not exceed twelve month at a time and the amount of fee for a period shall not exceed on thousand rupees. (2) The licence fee shall be paid in such manner as may be prescribed. (3) Every licence granted under this Act may be renewed on the expiry of the period of its validity by the competent authority in such manner and on payment of such fees as may be prescribed. (4) The provisions of Section 4 shall apply in case of an application for renewal under this section.

6. Appeal.

- Any person aggrieved by any order passed by the competent authority under Section 3 or Section 4 may, within a period of sixty days from the date the order is communicated and on payment of such fee not exceeding fifty rupees, prefer an appeal to such authority as the Government may, by notification, appoint in this behalf and the order of such authority shall be final: Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellants was prevented by sufficient cause from filing the appeal in time.

7. Penalty.

- Any person who contravenes any of the provisions of Section 3, shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and the Court trying the offence may further order that the timber in respect of which the offence was committed and the vessels, vehicle or animal with which the offence was

committed shall be confiscated to the Government.

8. Power to direct submission of report or return.

- The competent authority may direct any person holding any licence under this Act to submit such report or returns and in such form and manner as may be prescribed.

9. Power to enter, search, arrest and detain.

(1) Any Forest Officer not below the rank of Forest Ranger and any Police Officer not below the rank of Sub-Inspector of Police, who, from this personal knowledge or from information received, and after such enquiry as he may consider necessary, has reason to believe that any person has committed an offence under this Act, may—(a) enter and search, at all reasonable times, any premises, land, vehicle or vessel in the occupation of such person ;(b) require such person to produce for his inspection the licence or any other documents granted by the competent authority or any books of account or other document that may have any bearing on such offence ;(c) seize any timber in respect of which the offence was committed and any books of account or other documents relating to such timber and may also detain and seize any animal, vessel or vehicle with which the offence was committed.(2) Any officer referred to in sub-Section (1), may stop and detain any person committing an offence under this Act or abetting in the commission of such offence and such officer may arrest without warrant any such person : Provided that the officer making such arrest may release any such person if he furnishes his name and address and otherwise satisfies such Officer that he will duly answer any summons or other proceedings which may be taken against him.

10. Searches and arrests how to be made.

- All searches and arrests under this Act shall be conducted and made in accordance with the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974).

11. Production of persons arrested and things seized.

- Every person detained or arrested under any of the provisions of this Act shall be taken by the officer referred to in Section 9 and produced before the nearest Magistrate having jurisdiction along with a report containing full particulars of the person arrested or articles seized and the circumstances under which the arrest or seizure was effected, within twenty-four hours of such arrest or seizure, exclusive of the time necessary for the actual journey from the place of arrest to the Court of the Magistrate.

12. Report of arrest and seizure.

- Any Forest Officer or Police Officer making an arrest or seizure under this Act shall forthwith make a full report of all the particulars of such arrest or seizure to his immediate superior Officer.

13. Erection of check posts.

(1)The Government may, after notification in the official Gazette, set up and erect, in such manner as may be prescribed, check-posts and barriers at any place in the State with a view to preventing the unlawful removal or transportation from the State of timber to any place outside the State.(2)Every person transporting timber shall at any check-post or barrier referred to in sub-Section (1) and before crossing such check-post or barrier produce before the Officer in-charge of the check-post or barrier such document as may be prescribed.(3)The Officer in-charge of the check-post or barrier may, for the purpose of satisfying himself that the provisions of this Act and the rules made thereunder are not being contravened, intercept, detain and search any animal, vehicle or vessel.

14. Penalty for refusal to produce things or furnish information.

- Whoever-(i)wilfully refuses or is unable to produce licence or document or wilfully refuses or fails to give such information which, under the provisions of this Act or the rules made thereunder, he is required to produce or to give, otherwise furnishes information which he knows or believes to be false or does not believe to be true, or(ii)forcibly resists arrest or attempts to evade arrest or obstructs any Forest Officer or Police Officer to enter or search or to affect arrest or seizure under the powers conferred by this Act or the rules made thereunder,shall be guilty of an offence under this Act, and he shall, on conviction, be punished with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

15. Power to compound offence.

(1)Any Officer duly authorised by the Government in this behalf may accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under this Act, such sum of money as may be prescribed, by way of composition of the offence which such person is suspected to have committed.(2)On payment of sum of money to the Officer mentioned in sub-section(1), the suspected person, if in custody, shall be discharged and no other proceeding shall be taken against him in respect of the offence compounded.(3)The provisions of this section shall apply also where a prosecution or an appeal against conviction of offence under this Act is pending before a court and in such a case, the composition of such offence shall have the effect of the acquittal of the accused with whom an offence has been compounded :Provided that the court before whom such prosecution or appeal is pending grants permission for such composition.

16. When Court to take cognizance of offence.

- No Court shall take cognizance of any offence under this Act,-(1)except on the complaint made by an officer authorised by the Government in this behalf; and(2)unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

17. Bar of suit in Civil Courts.

- No suit shall be brought in any civil court to set aside or modify any order made under this Act.

18. Suit, etc. against authority, Officers or persons acting in good faith.

- No suit, prosecution or legal proceeding shall lie against any authority, officer or person for anything which is in good faith done or intended to be done under this Act.

19. Officer and person to be public servant.

- Every person or officer, appointed under, or exercising any power conferred by and under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

20. Effect of other laws.

- The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Assam Forest Regulations, 1891 as applied in Arunachal Pradesh or the rules made thereunder.

21. Exemption.

- The provisions of this Act shall not apply to removal of timber to a place outside Arunachal Pradesh by or on behalf of the Government under the provisions of the Assam Forest Regulations, 1891.

22. Power to make rules.

(1)The Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :(a)the form and conditions of licence under Section 3 and Section 5 and the fees payable therefore;(b)the form and manner in which application for licence under Section 4 may be made and the fees payable therefor ;(c)the fees payable for appeal under Section 6 ;(d)the form of register, report or return to be maintained and submitted by the licensee ;(e)the conditions for storing, stocking and the manner of marking the timber to be removed to a place outside the State ;(f)the manner in which the inspection of timber and of documents maintained by licensee shall be carried out;(g)the routes by which the timber shall be transported to a place outside the State ;(h)the terms and conditions for setting up or establishment of trading depot;(i)the manner in which the right of access to documents and the right to entry conferred by Section 9 may be exercised ;(j)the manner in which as check-post or barrier may be set up and erected and the form of document under Section 13 ;(k)the procedure and manner for payment of fees under this Act and of composition money under Section 15 and the amount of composition payable for composition of offence under Section 15 ;(l)any other matter which is to be or may be prescribed.