

Tamil Nadu Preservation of Private Forests (Extension to Kanyakumari District) Act, 1979

TAMILNADU

India

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Act 28 of 1979

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Tamil Nadu Preservation of Private Forests (Extension to Kanyakumari District) Act, 1979(Tamil Nadu Act 28 of 1979)Statement of Objects and Reasons. - The Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949) is now in force in the whole of the State of Tamil Nadu except the Kanyakumari district, which territory, including Shencottah Taluk of Tirunelveli district, was transferred to the State of Tamil Nadu from the Kerala State in 1956. At the time of extending the said Act to the Shencottah Taluk of Tirunelveli district, it was considered that there were no private forests in Kanyakumari district to which the provisions of the said Tamil Nadu Act XXVII of 1949 could be applied. Indiscriminate destruction of private forests in Kanyakumari district has been brought to the notice of the Government. In order to prevent such indiscriminate destruction of such private forests and to prohibit persons from cutting trees or reeds or doing any act likely to denude the forest or diminish its utility as a forest without the previous permission of the District, Collector and also to punish such persons who commit such prohibited acts, it is considered necessary that the said Tamil Nadu Act XXVII of 1949 should be extended also to Kanyakumari District.2. The Bill seeks to achieve the above objectPublished in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 7th March 1979.Received the assent of the President on the 3rd May 1979 and first published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated 9th May 1979.An Act to extend the Tamil Nadu Preservation of Private Forests Act, 1949 to the Kanyakumari district.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Tamil Nadu Preservation of Private Forests (Extension to Kanyakumari District) Act, 1979.(2)It shall come into force on such [date] [Enforced on 15.6.1979.] as the State Government may, by notification, appoint.

2. Definition.

- In this Act, unless the context otherwise requires, "existing law" means any law, Ordinance, Proclamation, Regulation or Order, By-law or Rule passed or made before the date of commencement of this Act by Parliament or by any Legislature, authority or person having power to make such a Law, Ordinance, Proclamation, Regulation, Order, By-Law or Rule.

3. Extension of Tamil Nadu Act XXVII of 1949.

- The Tamil Nadu Preservation of Private Forests Act, 1949 (Tamil Nadu Act XXVII of 1949), as in force immediately before the date of commencement of this Act in the State of Tamil Nadu except the Kanyakumari District, is hereby extended to, and shall be in force in the Kanyakumari District.

4. Repeal of corresponding laws.

- If, immediately before the date of commencement of this Act, there is in force in the Kanyakumari District any Act, Ordinance, Proclamation, Regulation, Order, By-law, Rule or other law corresponding to the enactment now extended to the Kanyakumari District whether such Act, Ordinance, Proclamation, Regulation, Order, By-law, Rule or other law is in force by virtue of section 119 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), or by virtue of any other legislative power, such corresponding law shall, on the date of commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

5. Savings.

(1)The repeal by section 4 of any corresponding existing law shall not affect -(a)the previous operation of any such law or any thing duly done or suffered thereunder, or(b)any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or(c)any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture, or punishment as aforesaid,and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if this Act had not been passed.(2)Subject to the provisions of sub-section (1), anything done or any action taken includes any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and in force in, the Kanyakumari District and shall continue in force accordingly, unless until superseded by anything done or any action taken under the said enactment.

6. Construction of references to laws not in force in Kanyakumari District.

(1) Any reference in the enactment now extended to the Kanyakumari District to a law which is not in force in the Kanyakumari District shall, in relation to that District, be construed as a reference to the corresponding law, if any, in force in that District. (2) Any reference in any existing law which continues to be in force in the Kanyakumari District after the date of commencement of this Act to any law repealed by section 4 shall, in relation to that District, be construed as a reference to the enactment now extended to the Kanyakumari District corresponding to the law so repealed.

7. Construction of references to authorities where new authorities have been constituted.

- Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the Kanyakumari District shall, where a corresponding new authority has been constituted by or under the enactment now extended to the Kanyakumari District, have effect as if it were a reference to that new authority.

8. Powers of Courts and other authority for purposes of facilitating application of laws.

- For the purpose of facilitating the application in the Kanyakumari District of the enactment now extended to the Kanyakumari District, any Court or other authority may construe such enactment with such alterations not affecting the substance, as may be necessary or proper to adopt it to the matter before the Court or other authority.