

Indian Forest (Gujarat Unification and Amendment) Act, 1960

GUJARAT

India

Indian Forest Act, 1927

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Act 15 of 1960

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An Act to provide for uniformity in the law relating to forests and the transit of forest produce in the whole of the State of Gujarat and for certain other matters. Whereas the Indian Forest Act, 1927 extends to the Bombay and Kutch areas of the State of Gujarat; And Whereas the Indian Forest Act, 1927 as adapted and applied to the Saurashtra area by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 is in force in that area of the State; And Whereas it is expedient to provide for uniformity in the law relating to forests and the transit of forest produce in the whole of the State of Gujarat and to amend it for the purposes hereinafter appearing; It is hereby enacted in the Eleventh Year of the Republic of India as follows:—* Received the Assent of the President on the 14th November, 1960, is hereby published for general information.

1. Short title.- This Act may be called the Indian Forest (Gujarat Unification and Amendment) Act, 1960.

2. Act not to apply to Chapter IV and section 41A of Act XVI of 1927.- Nothing in this Act shall apply to Chapter VI and section 41A of the Indian Forest Act, 1927 (XVI of 1927) relating to the power of the Central Government to impose duty on timber and other produce and the powers of the Central Government as to movements of timber across customs frontiers respectively.

3. Extension of Act XVI of 1927 to Saurashtra area.- The Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay area of the State of Gujarat immediately before the commencement of this Act, is hereby extended to and shall by virtue of such extension be in force in the Saurashtra area of the

State of Gujarat.

4. Extension of certain amendments to Kutch area.- (1) All amendments made by any law in the provisions of the Indian Forest Act, 1927 (XVI of 1927), (whether by way of modifications thereto, substitutions thereof, deletions therefrom, insertions therein, additions thereto or otherwise).in the application of the said Act exclusively to the Kutch area of the State of Gujarat shall cease to have effect and shall stand repealed.

(2)All amendments made to the said Act in its application to the Bombay area of the State of Gujarat and in force at the commencement of this Act shall be deemed to be extended to, and be in force in, the Kutch area of the State and the relevant provisions of the said Act shall be deemed to be amended (whether by way of modifications thereto, substitutions thereof deletions therefrom, insertions therein, additions thereto or otherwise) accordingly.

5. Definition.- In the provisions hereinafter appearing in this Act, the expression "the principal Act" means the Indian Forest Act, 1927 (XVI of 1927) in its application to the entire State of Gujarat.

6. Amendment to Act XVI of 1927.- In the principal Act-

(a)in section 1,-(i)to sub-section (2), the following proviso shall be added, namely:-"Provided that on the commencement of the Indian Forest (Gujarat Unification and Amendment) Act, 1960 (Guj. XV of 1960), this Act shall also extend to the Saurashtra area of the State of Gujarat."(ii)to sub-section (3), the following proviso shall be added, namely:-"Provided that on the commencement of the Indian Forest (Gujarat Unification and Amendment) Act, 1960 (Guj. XV of 1960), this Act shall come into force in the Saurashtra area of the State of Gujarat."(b)in section 2, after clause (4A), the following clauses shall be inserted, namely:-"(4B) 'Police Officer' means a Police Officer as defined in the Bombay Police Act, 1951 (Bom. XXII of 1951);(4C)'Revenue Officer' means a Revenue Officer as defined in the Bombay Land Revenue Code, 1879 (Bom. V of 1879), or, where that Code is not in force, as defined in a law corresponding to that Code;(c)after section 2, 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 Gujarat other than Bombay area 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."(d)section 12 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."(e)in section 26,-(i)in sub-section (1), for the words beginning with the letter and brackets "(b)" and ending with the words "or who in a reserved forest" the following shall be substituted, namely:-"(b) sets fire to a reserved forest or to a forest in a 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 rules made by the State Government in this behalf, kindles in such forest any fire or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest or a forest in a land notified as aforesaid under section 4-"(ii)after sub-section (3), the following sub-section shall be inserted, namely:-(4) When a person is convicted under clause (d) or (h) of sub-section (1)-(a)a Forest Officer not below the rank of a Ranger,(b)a Police Officer not below the rank of a sub-inspector, or(c)a Revenue Officer not below the rank of a Mahalkarimay evict him from the forest or land in relation to which he has committed the offence."(f)in section 33, after sub-section (2), the following sub-section shall be inserted, namely:-(3) When a person is convicted of an offence under sub-section (1),-(a)a Forest Officer not below the rank of a Ranger,(b)a Police Officer not below the rank of a sub-inspector, or(c)a Revenue Officer not below the rank of a Mahalkarimay evict him from the protected forest in relation to which he has committed the offence."(g)in section 35,-(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:-(5A) When a notice has been served and published in accordance with sub-section (5) any person acquiring thereafter the right of ownership of the 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 sub-section (1)."(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."(h)in section 64, 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;(i)in section 65, for the words "a Ranger", the words "a Ranger, any Police Officer of a rank not inferior to that of a sub-inspector or any Revenue Officer of a rank not inferior to that of a Mahalkari" shall be substituted;(j)in section 66, for the words "Every Forest Officer and Police Officer" the words "Every Forest Officer, Police Officer and Revenue Officer" shall be substituted;(k)for section 68, the following section shall be substituted, namely:-"68. Empower to compound offence.- (1) The State Government may, by notification in the Official Gazette, empower a Forest Officer-(a)to accept from any person against 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 of money, by way of compensation for the offence which such person is suspected to have committed, and(b)when any 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."(l)in section 71, for the words "eight annas" the words "fifty naye Paise" shall be substituted;(m)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 the State Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following."(n)in section 82, after the words, "such produce", the words and figures "or on account of compensation or value of property undertaker, to be paid under section 68" shall be inserted.

7. Repeal.- The Indian Forest Act, 1927 (XVI of 1927 San. Ord. XXV of 1948), as adapted and applied to the Saurashtra area of the State of Gujarat by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948, except Chapter VI thereof, is hereby repealed.

8. Savings.- The repeal of any law by this Act shall not affect-

(a)the previous operation of the law so repealed, or anything duly done or suffered thereunder;(b)any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed; or(c)any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the law so repealed; or(d)any investigation, legal proceeding 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 has 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 law so repealed shall, in so far as it is not inconsistent with the provisions of the principal Act as amended by this Act, be 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.