

Telangana Forest Produce (Fixation of Selling Prices) Act, 1989

TELENGANA

India

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Act 29 of 1989

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Telangana Forest Produce (Fixation of Selling Prices) Act, 1989(Act No. 29 of 1989)Last Updated 31th December, 2019The Andhra Pradesh Forest Produce (Fixation of Selling Prices) Act, 1989 received the assent of the Governor on the 10th November, 1989. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the notification issued in G.O.Ms.No.36, Environment, Forests, Science & Technology (Forest.I) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.36, E.F.S&T (Forest.I) Department, dated 01.06.2016.] Forest Produce (Fixation of Selling Prices) Act, 1989.(2)It extends to the whole of the State of [Telangana.] [Substituted by G.O.Ms.No.36, E.F.S&T (Forest.I) Department, dated 01.06.2016.](3)It shall come into force on such date as the Government may, by notification in the [Telangana Gazette] [Substituted by G.O.Ms.No.36, E.F.S&T (Forest.I) Department, dated 01.06.2016.], appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)'appointed date' means the date specified under sub-section (3) of section 1;(b)'forest produce' means such forest produce as may, from time to time, be specified by the Government by notification for the purposes of this Act;(c)'Government' means the State Government of [Telangana] [Substituted by G.O.Ms.No.36, E.F.S&T (Forest.I) Department, dated 01.06.2016.];(d)'notification' means a notification published in the [Telangana Gazette] [Substituted by G.O.Ms.No.36, E.F.S&T (Forest.I) Department, dated 01.06.2016.], and the word 'notified' shall be construed accordingly;(e)'prescribed' means prescribed by rules made under

this Act.

3. Supply of forest produce under agreement, etc.

(1) No lease, agreement or any other arrangement entered into or made by the government providing for the supply of forest produce by the government shall be for a term exceeding ten years; and the supply under every such lease, agreement or other arrangement shall, notwithstanding anything to the contrary contained in such lease, agreement or other arrangement, be subject to the condition of availability of such forest produce. (2) Notwithstanding anything contained in the Indian Contract Act, 1872 (Central Act 9 of 1872) or the Transfer of Property Act, 1882 (Central Act 4 of 1882) or any other law for the time being in force or any judgment, decree or order of any court, Tribunal or authority to the contrary, every lease or agreement or any other arrangement providing for the supply of forest produce by the Government granted or entered into prior to the appointed date, - (a) for a term exceeding ten years and in force on the appointed date; shall cease to be in force on the expiry of the period of ten years with effect from the date when such lease or agreement came into force; and (b) shall be and shall be always deemed to be subject to the condition of availability of such forest produce.

4. Fixation of selling price.

- Notwithstanding anything contained in the Indian Contract Act, 1872 (Central Act 9 of 1872) or the Transfer of Property Act, 1882 (Central Act 4 of 1882) or any other law for the time being in force or any judgment, decree, or order of any Court, Tribunal or other authority or in any lease, agreement or other arrangement, it shall be competent for the Government by notification to fix sliding rates for each year effective for three years and also to enhance or reduce such sliding rates for the next three years in respect of the selling price of the forest produce to be supplied under any lease, agreement or other arrangement with effect from such date as may be specified in the notification, having due regard to such principles as may be prescribed.

5. Termination of leases and contracts.

- Notwithstanding anything contained in the Indian Contract Act, 1872, (Central Act 9 of 1872) the Transfer of Property Act, 1882 (Central Act 4 of 1882) and any other law for the time being in force, it shall be lawful for the Government to terminate any lease, agreement or any other arrangement granted or entered into before or after the appointed date, in case, - (a) the price for the produce sold has not been paid to the Government in accordance with the terms of the lease, agreement or any other arrangement; (b) the negligent operations of the lease resulted in depletion of the forest produce.

6. Recovery of amount due under the Act.

- If the selling price payable under any lease, agreement or any other arrangement has not been paid within the time specified therefor to the Government, the Chief Conservator of Forests may if the

amount continues to be due, issue a certificate to the District Collector for the amount due and the District Collector shall proceed to recover the same as arrears of land revenue.

7. Saving in respect of acts done in good faith.

- No suit or other legal proceedings shall lie against the Government or any of their Officers for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the enforcement of the provisions of this Act or for anything which in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

8. Act to override other laws.

- The provisions of this Act and the rules made thereunder shall have effect, notwithstanding anything inconsistent therewith in any other law for the time being in force, or any custom, usage or agreement, or decree or order of a Court, Tribunal or other authority.

9. Constitution of Industrial plantation Fund.

(1) There shall be constituted in the manner prescribed a fund called the [Telangana] [Substituted by G.O.Ms.No.36, E.F.S&T (Forest.I) Department, dated 01.06.2016.] Industrial Plantation Fund. (2) From out of the selling price payable by the allottees of forest produce under section 4, such sum or sums as may be prescribed in this behalf shall, first be credited to the Consolidated Fund of the State, and thereafter under appropriation duly made by law in this behalf, form part of, and be transferred to the 3Telangana Industrial Plantation Fund. (3) Any sum or sums transferred to the said Fund under sub-section (2) shall be charged upon the consolidated Fund of the State. (4) The sums at the credit of the said Fund shall not be expended for any purposes not connected with the raising of industrial plantations or afforestation or purposes incidental thereto.

10. Power to make rules.

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. (2) Every rule made under this Act shall immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, 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.