



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

Act 15 of 1960

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Forest, Transit of Forest Produce, Indian Forest Act, 1927

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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Gujarat Legislature, having been assented to by the President on the 14th November 1960, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XV OF 1960

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 6th December 1960).

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.

XVI of **1927.** **of** WHEREAS the Indian Forest Act, 1927 extends to the Bombay and Kutch areas of the State of Gujarat ;

XVI of **1927.** **Sau.** **Ord.** **XXV** of **1948.** **of** 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 :—

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

- Act not to apply to Chapter VI and section 41A of Act XVI of 1927. 2. Nothing in this Act shall apply to Chapter VI and section 41A of the ^{XVI} of Indian Forest Act, 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. 1927.
- Extension of Act XVI of 1927 to Saurashtra area. 3. The Indian Forest Act, 1927, as in force in the Bombay area of the ^{XVI} of State of Gujarat immediately before the commencement of this Act, 1927. is hereby extended to and shall by virtue of such extension be in force in the Saurashtra area of the State of Gujarat.
- Extension of certain amendments to Kutch area. 4. (1) All amendments made by any law in the provisions of the Indian ^{XVI} of Forest Act, 1927, (whether by way of modifications thereto, substitutions 1927. 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.
- Definition. 5. In the provisions hereinafter appearing in this Act, the expression ^{XVI} of "the principal Act" means the Indian Forest Act, 1927 in its application 1927. to the entire State of Gujarat.
- Amendment to Act XVI of 1927. 6. 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 ^{Guj. XV of} (Gujarat Unification and Amendment) Act, 1960, this Act shall 1960. 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 ^{Guj. XV of} (Gujarat Unification and Amendment) Act, 1960, this Act shall 1960. 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 ^{Bom. XXII} Police Act, 1951 ; 1951.
- (4C) 'Revenue Officer' means a Revenue Officer as defined in the Bombay ^{Bom. V of} Land Revenue Code, 1879, or, where that Code is not in force, 1879. as defined in a law corresponding to that Code ; "
- (c) after section 2, the following section shall be inserted, namely :—
- "2A. 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." ;
- Construction of certain references to Central or Bombay Acts.

(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 Mahalkari

may 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 Mahalkari

may 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 (I).”;

(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 (I) 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 (I), 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. (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 (I) 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 undertaken to be paid under section 68” shall be inserted.

XVI of 1927.
San. Ord.
XXV of
1948.

7. The Indian Forest Act, 1927 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. Repeal.

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

(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.



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by
 the Governor on the 6th November, 1963 is hereby published for general infor-
 mation.

AKBAR S. SARELA,

Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. XLVIII OF 1963.

(First published, after having received the assent of the Governor in the
 "Gujarat Government Gazette" on the 12th November, 1963).

An Act further to amend the Indian Forest Act, 1927.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

1. This Act may be called the Indian Forest (Gujarat Amendment) Act, 1963. Short title.

XVI of
1927.

2. In section 41 of the Indian Forest Act, 1927—

(a) in sub-section (2)—

Amendment
of section
41 of Act
XVI of 1927.

(i) in clause (c), the words "and for the payment of fees therefor" shall be
 deleted ;

(ii) in clause (b), for the words "or subject to conditions," the words
 "or regulate by grant of licences," shall be substituted ; and

(iii) in clause (i), the words "and provide for the levy of fees for such registration" shall be deleted ;

(b) after sub-section (2), the following shall be inserted, namely :—

"(2A) Any rules made under this section may provide for the levy of fees for the issue of passes, grant of licences and registration of property marks referred to in clauses (c), (h) and (i) of sub-section (2)."



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 12th March 1976 is hereby published for general information.

J. P. VASAVADA,

Deputy Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 11 OF 1976.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 17th March 1976).

An Act further to amend the Indian Forest Act, 1927 in its application to the State of Gujarat.

It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Forest (Gujarat Amendment) Act, 1976. Short title.

XVI 2. In the Indian Forest Act, 1927, in its application to the State of Gujarat **Amendment**
of (hereinafter referred to as "the principal Act"), in section 2, in sub-clause (a) of section 2
of Act XVI
1927. clause (4), for the words "rauwolfia serpentina" the words "rauwolfia serpentina, of 1927.
kadaya gum" shall be substituted.

Amendment
of section 68
of Act XVI
of 1927.

3. In the principal Act, in section 68, in sub-section (3),—

(1) the words "and is in receipt of a monthly salary amounting to at least one hundred rupees," shall be deleted;

(2) for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 12th October, 1983 is hereby published for general information.

J. P. VASAVADA,
Joint Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 19 OF 1983.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 14th October, 1983.)

An Act to amend the Indian Forest Act, 1927, in its application to the State of Gujarat.

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Forest (Gujarat Amendment) Act, 1983. Short title and commencement.

(2) It shall be deemed to have come into force on the 24th May, 1983.

Amendment
of section
52 of Act
XVI of 1927.

2. In the Indian Forest Act, 1927, in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), in section 52,—

XVI of
1927.

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest produce in respect of which there is reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary for examination of the contents in the vehicle and inspection of all records relating to the forest produce and in possession of such driver or other person in charge of the vehicle or any other person in the vehicle.";

(2) in sub-section (2), for the words "make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made" the following shall be substituted, namely:—

"make a report of such seizure,—

(a) where the offence on account of which the seizure has been made is in respect of the forest produce which is the property of the State Government or in respect of which the State Government has any interest, to the concerned authorised officer under section 61A; and

(b) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure has been made.".

Amendment
of section
53 of Act
XVI of 1927.

3. In the principal Act, in section 53, for the words and figures "under section 52, may release" the words, figures and letter "under section 52, may, subject to section 61G release" shall be substituted.

Deletion of
section 54 of
Act XVI of
1927.

4. In the principal Act, section 54 shall be deleted.

Amendment
of section 55
of Act XVI
of 1927.

5. In the principal Act, in section 55, in sub-section (1), for the words "shall be liable" the words, figures and letter "shall, subject to section 61G, be liable" shall be substituted.

Amendment
of section
56 of Act
XVI of 1927.

6. In the principal Act, in section 56, for the words "in any other case may be disposed" the words, figures and letter "in any other case may, subject to section 61G, be disposed" shall be substituted.

Amendment
of section
57 of Act
XVI of 1927.

7. In the principal Act, in section 57, for the words "that an offence has been committed" the words, figures and letter "that an offence has been committed, subject to section 61G," shall be substituted.

8. In the principal Act, in section 58,—

Amendment
of section 58
of Act XVI
of 1927.

(1) for the words "The Magistrate may, notwithstanding anything here-in before contained, direct the sale of " the words and figures "The Forest Officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell" shall be substituted;

(2) the following shall be added at the end, namely:—

"and shall report about every such sale to his official superior".

9. In the principal Act, after section 61, the following sections shall be inserted, namely:—

Insertion of
new sections
61A, 61B,
61C, 61D,
61E, 61F
and 61G in
Act XVI of
1927.

"61A. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter or in any other law for the time being in force, where a forest offence is believed to have been committed in respect of any forest produce which is the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicle and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the *Official Gazette*, not being below the rank of an Assistant Conservator of Forest (hereinafter referred to as "the authorised officer").

Confiscation
by Forest
Officers in
certain cases.

(2) Where the authorised officer seizes under sub-section (1) of section 52 any forest produce which is the property of the State Government or where any such property is produced before the authorised officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.

(3) (a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses, relating thereto, shall, where the order of confiscation made under section 61A is set aside or annulled by an order under section 61C or 61D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

Issue of
show cause
notice be-
fore confis-
cation under
section 61A.

61B. (1) No order confiscating any forest produce or tools, ropes, chains, boats, vehicles or cattle shall be made under section 61A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 61A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying forest produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

Revision.

61C. Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf by notification in the *Official Gazette* may, before the expiry of thirty days from the date of the order of the authorised officer under section 61A, *suo motu* call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit :

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

Appeal.

61D. (1) Any person aggrieved by any order passed under section 61A or section 61C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any court of law.

Award of
confiscation
not to in-
terfere with
other
punishment.

61E. The award of any confiscation under section 61A or 61C or 61D shall not prevent the infliction of any punishment which the person affected thereby is liable under this Act.

Property
confiscated
when to
vest in
Government.

61F. When an order for confiscation of any property has been passed under section 61A or 61C or 61D and such order has become final in respect of the whole or any portion of such property, such property or portion thereof or if it has been sold under sub-section (3) of section 61A the sale proceeds thereof as the case may be, shall vest in the State Government free from all encumbrances.

61G. Whenever any forest produce belonging to the State Government or any tool, rope, chain, boat, vehicle or cattle used in committing any offence is seized under sub-section (I) of section 52, the authorised officer under section 61A or the officer specially empowered under section 61C or the Sessions Judge hearing an appeal under section 61D shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, any other officer, court, tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property.”

Bar of jurisdiction in certain cases.

2 of 1974.

10. In the principal Act, in section 68, in sub-section (I), in clause (b), after the words “as liable to confiscation” the words, figures and letter “subject to section 61G” shall be inserted.

Amendment of section 68 of Act XVI of 1927.

Repeal and savings.

11. (1) The Indian Forest (Gujarat Amendment) Ordinance, 1983 is hereby repealed.

Guj. Ord. No. 7 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.