



The Orissa Protection of Scheduled Castes and Scheduled Tribes (Interest in Trees) Act, 1981

Act 18 of 1983

Keyword(s):

Chief Conservator of Forests, Contractor, Grama Panchayat, Holding, Scheduled Castes, Scheduled Tribes, Specified Tree

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ORISSA ACT 18 OF 1983

THE ORISSA PROTECTION OF SCHEDULED CASTES AND
SCHEDULED TRIBES (INTEREST IN TREES)
ACT, 1981

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ORISSA ACT 18 OF 1983

[THE ORISSA PROTECTION OF SCHEDULED CASTES AND
SCHEDULED TRIBES (INTEREST IN TREES) ACT, 1981]

[Received the assent of the President on the 13th August 1983 first published in an
Extraordinary issue of the Orissa Gazette, dated the 23rd September 1983]

AN ACT TO PROVIDE FOR THE PROTECTION OF THE MEMBERS OF THE SCHEDULED
CASTE AND SCHEDULED TRIBES FROM EXPLOITATION IN THE MATTER OF TRANSFER
OF THEIR INTEREST IN SPECIFIED TREES

Be it enacted by the Legislature of the State of Orissa in the Thirty-second year of
the Republic of India, as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Protection of Scheduled Castes and
Scheduled Tribes Interest in Trees Act, 1981.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by notifica-
tion^a appoint in that behalf.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "Chief Conservator of Forests" means the Chief Conservator of Forests,
Orissa;

(b) "Conservator of Forests" means the Conservator of Forests of the concerned
forest circle;

(c) "Contractor" means the person in whose favour the owner of any specified
tree has effected a sale or has entered into a contract for sale of the timber of
such tree and includes the representative in interest and assignees of such
person;

(d) "Divisional Forest Officer" means the Divisional Forest Officer of the
concerned forest division;

(e) "Grama Panchayat" means a Grama Panchayat constituted under the Orissa Orissa Act
Grama Panchayat Act, 1969; 1 of 1965.

(f) "holding" means a parcel or parcels of land forming the subject of a separate
tenancy;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Range Officer" means the forest officer in charge of a forest range;

(i) "Scheduled Castes" shall mean the Scheduled Castes specified in respect of
the State of Orissa in the Constitution (Scheduled Castes) Order, 1950 as
modified from time to time;

(j) "Scheduled Tribes" shall mean the Scheduled Tribes specified in respect of
the State of Orissa in the Constitution (Scheduled Tribes) Order, 1950
as modified from time to time;

(k) "specified tree" means a tree specified in the schedule and such other species
of trees as may be notified by Government from time to time.

1. For Statement of objects and reasons see *Orissa Gazette, Extraordinary*, dated the 21st September
1981 (1219).

2. Came into force with effect from 12th January 1984 Vide notification No. 7288, dated
the 28th December 1983, published in an Extraordinary issue of the *Orissa Gazette* dated the
12th January 1984 (34).

THE ORISSA PROTECTION OF SCHEDULED CASTES AND
SCHEDULED TRIBES (INTEREST IN TREES) ACT, 1981

[Orissa Act 18 of 1983]

(Secs. 3—5)

Protection of
interest in
specified
trees belong-
ing to the
Scheduled
Castes and
Scheduled
Tribes.

3. (1) No contract entered into after the commencement of this Act by an owner of any specified tree for the sale of the timber thereof shall be valid if such owner is a member of the Scheduled Castes or the Scheduled Tribes and if the Contract has been entered into without the previous permission in writing granted by the Range Officer on an application made in that behalf giving adequate description of the timber proposed to be sold.

(2) On receipt of the application, the Range Officer concerned shall enquire into the case on the spot or cause such an enquiry to be made by any other forest officer and the Grama Panchayat or the urban local body concerned, as the case may be, shall be requested to send one or more of the Ward Members to the spot on the date of enquiry:

Provided that in any case where the Range Officer considers that the consideration for the contract is inadequate, he may require the owner to sell the trees to the Orissa Forest Corporation Limited or to and other State owned Corporation for such consideration amount as the Range Officer deems fit to fix.

(3) The report of enquiry shall be signed by the officer conducting the enquiry the Ward Member or members present and the applicant.

(4) The report of enquiry shall, amongst other things mention the number of trees specieswise, the girth of each tree and the reasonable consideration for the timber.

(5) On being satisfied about the right, title and interest of the applicant in the tree and the adequacy of the consideration for the contract, the Range Officer shall permit the timber to be lifted by the purchaser on payment of the consideration money in his presence.

(6) If no orders are passed by the Range Officer on the application within fifteen days from the date of receipt thereof, it shall be open to the owner of the tree to sell the tree to any person of his choice.

Application
for cancell-
ation of
existing
contracts in
some cases.

4. An owner of any specified tree who is a member of the Scheduled Castes or the Scheduled Tribes and who has entered into a contract which has been subsisting on the date of commencement of this Act, for the sale of the timber of such tree may apply to the Divisional Forest Officer for cancellation of such contract on the ground that the consideration therefor was substantially inadequate.

Suo motu
detection
and
reference.

5. (1) If it comes to the notice of the Divisional Forest Officer that any such contract as is referred to in sub-section (1) of section 3 or section 4 has been entered into in contravention of the provisions of that sub-section or that the consideration therefor is substantially inadequate, he may on his own motion, institute a case and dispose it of as provided by or under this Act.

(2) if it comes to the notice of any Revenue Officer not below the rank of a Tabasildar or of any Block Development Officer or any Forest Officer not below the rank of a Range Officer having jurisdiction over the area or of any other officer specially authorised by the State Government in this behalf that any such contract as is referred to in sub-section (1) of section 3 or section 4 has been entered into in contravention of that sub-section or that the consideration therefor is substantially inadequate, he may refer the matter to the Divisional Forest Officer having jurisdiction for instituting a case and disposing it of as provided by or under this Act:

Provided that the Divisional Forest Officer instituting a case under sub-section (1) or the officer making a reference under sub-section (2), may seize the timber involved in the transaction and keep the same in the custody of the owner if he is of the opinion that such seizure is necessary and thereupon he shall prepare a list of the timber seized and obtain the signature of the owner on such list and where the seizure is made by the latter officer, the said list shall be forwarded to the Divisional Forest Officer having jurisdiction along with the aforesaid reference.

THE ORISSA PROTECTION OF SCHEDULED CASTES AND
SCHEDULED TRIBES (INTEREST IN TREES) ACT, 1981

[Orissa Act 18 of 1983]

SCHEDULE

See Section-2(k)

LIST OF SPECIFIED TREES

Sl. No. (1)	Local Name (2)	Botanical Name (3)
1	Sal	.. Shorea Robusta
2	Kurum	.. Adina Cordi Folia
3	Kasi	.. Bridella Retusa
4	Kusum	.. Schficheia Taijuga
5	Wentra	.. Albizia Lebbek
6	Sirish	.. Albizia Lebbek
7	Rimli (Nembura)	.. Burshra Serrata
8	Saguan (Teak)	.. Tectona Grandia
9	Bijia (Piasal)	.. Prerocarpus Marsupium
10	Sisoo	.. Dalbergia Latifolia
11	Baudhan	.. Qugenia Daldergoidea
12	Assan	.. Terminalia Tomentosa
13	Mahula	.. Madhuca Latifolia
14	Bheru	.. Chlorosyion Siaietenia
15	Karanj	.. Pongamia Gibra
16	Kendu	.. Diespyros Melanoxylon
17	Dhaura	.. Anogeibus Latifolia
18	Khair	.. Acacia Catechu
19	Amba (mango)	.. Mangifera Indica
20	Panasa (Jackfruit)	.. Arocarpus Heterophylus
21	Tentuli (Tamarind)	.. Tamarindus indicas
22	Chandan	.. Santalum Album
23	Tal (Palm)	.. Barassus Flabellifer
24	Bendia	.. Egestrefhia Parvifedra
25	Arjuna	.. Terminalia Arjuna
26	Acacia	.. Acacia Formis
27	Eucalyptus	.. Eucalyputs Saligna