



The Indian Forest (Bombay Amendment) Act, 1948

Act 62 of 1948

Keyword(s):

Central Act Amendment, The Indian Forest Act, 1927, Reserved Forest, Village Forest

Amendments appended: 25 of 1953, 24 of 1955, 10 of 1956, 17 of 1956, 26 of 1957, 6 of 1961, 15 of 1965, 27 of 1968, 23 of 1984, 7 of 1985, 21 of 2015

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THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1948.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 28 of Act XVI of 1927.
3. Insertion of new section 34A in, and amendment of section 35 of, Act XVI of 1927.
4. Amendment of section 36 of Act XVI of 1927.
5. Amendment of section 37 of Act XVI of 1927.

BOMBAY ACT No. LXII OF 1948.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1948.]

[4th December 1948.]

An Act to amend the Indian Forest Act, 1927, in its application to the Province of Bombay.

XVI of 1927. WHEREAS it is expedient to amend the Indian Forest Act, 1927, in its application to the Province of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, 1948. Short title.

XVI of 1927. 2. In section 28 of the Indian Forest Act, 1927 (hereinafter called the said Act),— Amendment of section 28 of Act XVI of 1927.

(i) in sub-section (1), after the words "reserved forest" the words "or called a protected forest" shall be inserted; and

(ii) in sub-section (3),—

(a) after the word "reserved" the words "or protected" shall be inserted; and

(b) after the words "village forests" the words "according as the forests assigned are reserved or protected forests" shall be inserted.

3. (1) For sub-section (1) of section 35 of the said Act, the following shall be substituted, namely:— Insertion of new section 34A in, and amendment of section 35 of, Act XVI of 1927.

"34A. For the purposes of this Chapter 'forest' includes any land containing trees and shrubs, pasture lands and any other land whatsoever which the Provincial Government may, by notification in the *Official Gazette*, declare to be a forest. Interpretation.

35. (1) The Provincial Government may, by notification in the *Official Gazette*,—

(i) regulate or prohibit in any forest—

(a) the breaking up or clearing of the land for cultivation;

(b) the pasturing of cattle;

(c) the firing or clearing of the vegetation;

(d) the girdling, tapping or burning of any tree or the stripping off the bark or leaves from any tree;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 395.

- (e) The lopping and pollarding of trees ;
- (f) the cutting, sawing, conversion and removal of trees and timber ; or
- (g) the quarrying of stone or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process ;
- (ii) regulate in any forest the regeneration of forests and their protection from fire ;

when such regulation or prohibition appears necessary for any of the following purposes :—

- (a) for the conservation of trees and forests ;
- (b) for the preservation and improvement of soil or the reclamation of saline or water-logged land, the prevention of land-slips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel ;
- (c) for the improvement of grazing ;
- (d) for the maintenance of a water supply in springs, rivers and tanks ;
- (e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber or fuel ;
- (f) for the maintenance of reservoirs or irrigation works and hydro-electric works ;
- (g) for protection against storms, winds, rolling stones, floods and drought ;
- (h) for the protection of roads, bridges, railways and other lines of communication ; and
- (i) for the preservation of the public health. ”

(2) In sub-section (2) of section 35 of the said Act for the words “ in or upon any forest or wasteland ” the words “ in any forest ” shall be substituted.

(3) In sub-section (3) of section 35 of the said Act the words “ or land ” shall be deleted.

Amendment
of section 36
of Act XVI
of 1927.

4. In section 36 of the said Act—

- (i) the words “ or land ” wherever they occur shall be deleted ;
- (ii) in sub-section (1), after the word “ reserved ” the words “ or protected ” shall be inserted.

Amendment
of section 37
of Act XVI
of 1927.

5. In section 37 of the said Act—

- (i) in sub-section (1) the words “ or land ” shall be deleted ;
- (ii) sub-section (2) shall be deleted.

BOMBAY ACT No. XXV OF 1953.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1953.]

[12th May 1953]

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

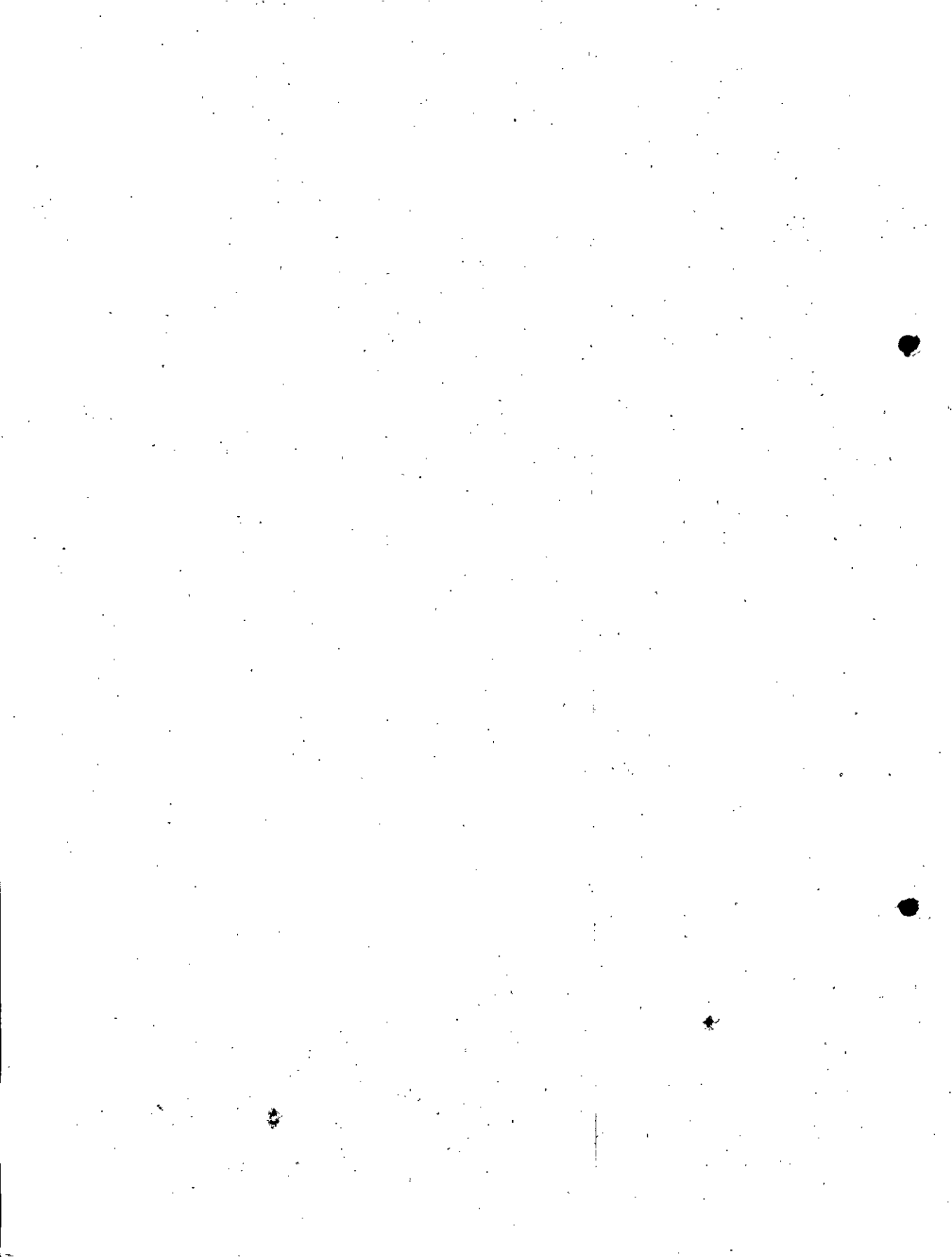
XVI of 1927. WHEREAS it is expedient to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, 1953. Short title.

XVI of 1927. 2. In sections 52, 53 and 55 of the Indian Forest Act, 1927, for the word " carts " wherever it occurs, the word " vehicles " shall be substituted.

Amendment of sections 52, 53 and 55 of Act XVI of 1927.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, page 156.



THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS..

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of Act XVI of 1927.
3. Amendment of section 28 of Act XVI of 1927
4. Amendment of section 35 of Act XVI of 1927.
5. Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.
6. Insertion of new section 80-A in Act XVI of 1927.

BOMBAY ACT No. XXIV OF 1955.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[22nd June 1955]

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

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay; for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, Short title. 1955.

XVI of 1927. 2. In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (a) of clause (4), after the word "kuth" the words " , apta and temburni leaves " shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,—

(1) in sub-section (1), after the word "village-community" the words and figures "village panchayat established under the Bombay Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted; Amendment of section 28 of Act XVI of 1927.

Bom. VI of 1933.
Bom. VII of 1925.

(2) in sub-section (2), after the word "community" the words " , panchayat or society " shall be inserted.

4. In section 35 of the said Act,—

(1) in sub-section (3), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted; Amendment of section 35 of Act XVI of 1927.

(2) after sub-section (3), the following sub-sections shall be added, namely:—

"(4) A notice to show cause why a notification under sub-section (1) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner or such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (i) of sub-section (1), whether by reasons of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (i) of sub-section (1), to the extent specified in the notice.

(5) A notice issued under sub-section (3) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules.

V of 1908.

(6) Any person contravening any requisition made under sub-section (4) in a notice to show cause why a notification under sub-section (1) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 38-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

“36-A. The notice referred to in sub-section (1) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (1) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter be extended for successive periods of not more than ten years each :

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(2) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (1) make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(3) After considering any such report and subject to sub-section (1), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(4) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (1) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(2) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section.”

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

“80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.”

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1956.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 85 of Act XVI of 1927.

BOMBAY ACT No. X OF 1956.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1956.]

[14th March 1956]

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

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted in the Seventh Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, 1956. Short title.

XVI of 1927. 2. Section 85 of the Indian Forest Act, 1927, shall be renumbered as sub-section (I) of that section, and after sub-section (I) so renumbered the following sub-section shall be added, namely :— Amendment of section 85 of Act XVI of 1927.

“(2) If any question arises—

(a) whether there has been a breach of any of the conditions of such bond or instrument,

(b) as to the sum to be paid for such breach,

(c) as to the person or persons liable to pay such sum,

the question shall be referred to and, after giving notice to the person concerned and after considering his objections (if any), be decided by an officer, not below the rank of a Divisional Forest Officer, authorized by the State Government in this behalf. The person aggrieved by the decision of such officer may, within a period of sixty days from the date of such decision, appeal to the State Government or such other appellate authority as the State Government may appoint in this behalf. The decision of such officer, subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.”

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1956, Part V, p. 6.

THE INDIAN FOREST (BOMBAY SECOND AMENDMENT) ACT, 1956.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of Act XVI of 1927.

BOMBAY ACT No. XVII OF 1956.¹

[THE INDIAN FOREST (BOMBAY SECOND AMENDMENT) ACT, 1956.]

[16th April 1956]

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

XVI WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its
of application to the State of Bombay, for the purpose hereinafter appearing; It is
1927. hereby enacted in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Forest (Bombay Second Amendment) Act, Short title
1956.

XVI 2. In section 2 of the Indian Forest Act, 1927, in sub-clause (a) of clause (4), after Amendment
of the words "temburni leaves" the words "rosha grass, rauwolfia serpentina" shall of section 2
1927. be inserted. of Act XVI
of 1927.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette* Extraordinary, 1956, Part V, p 75.

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1957.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 85 of Act XVI of 1927.

BOMBAY ACT No. XXVI OF 1957.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1957.]

[23rd August 1957]

An Act further to amend the Indian Forest Act, 1927, in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories, for the purpose hereinafter appearing; It is hereby enacted in the Eighth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, 1957. Short title.

XVI of 1927. 2. In sub-section (2) of section 85 of the Indian Forest Act, 1927, for the words "Divisional Forest Officer" the words "Sub-Divisional Forest Officer" shall be substituted. Amendment of section 85 of Act XVI of 1927.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1957, Part V, page 98.

**THE INDIAN FOREST (MAHARASHTRA UNIFICATION AND AMENDMENT)
ACT, 1960.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Uniformity of Act XVI of 1927 throughout State and Consequential provisions.
3. Amendment of Section 1 of Act XVI of 1927.
4. Amendment of Section 2 of Act XVI of 1927.
5. Insertion of new Section 2-A in Act XVI of 1927.
6. Amendment of Section 12 of Act XVI of 1927.
7. Amendment of Section 26 of Act XVI of 1927.
8. Amendment of Section 33 of Act XVI of 1927.
9. Amendment of Section 35 of Act XVI of 1927.
10. Amendment of Section 64 of Act XVI of 1927.
11. Amendment of Section 65 of Act XVI of 1927.
12. Amendment of Section 66 of Act XVI of 1927.
13. Substitution of Section 68 of Act XVI of 1927.
14. Amendment of Section 71 of Act XVI of 1927.
15. Amendment of Section 78 of Act XVI of 1927.
16. Amendment of Section 82 of Act XVI of 1927.
17. Savings.

MAHARASHTRA ACT No. VI OF 1961¹

[THE INDIAN FOREST (MAHARASHTRA UNIFICATION AND AMENDMENT) ACT, 1960].

[3rd February 1961.]

An Act to provide for uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forest produce in the State of Maharashtra, and for that and certain other purposes further to amend the Indian Forest Act, 1927.

WHEREAS it is expedient to provide for uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forest produce in the State of Maharashtra, and for that and certain other purposes further to amend the Indian Forest Act, 1927; It is hereby enacted in the Eleventh Year of the Republic of India as follows:—

XVI
of
1927.

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

2. For the purpose of providing uniformity in the law relating to forests and the transit (otherwise than across customs frontiers) of forest produce in the State of Maharashtra, the provisions of the Indian Forest Act, 1927 (except Chapter VI and section 41A thereof), as in force immediately before the commencement of this Act in the Bombay area of the State, shall be so in force throughout the State of Maharashtra; and accordingly,

(a) all amendments made by each of the following laws, that is to say,—

(i) the Madhya Pradesh Indian Forest (Amendment) Act, 1950, and

(ii) the Indian Forest (Madhya Pradesh Amendment) Act, 1954,

to the Indian Forest Act, 1927, shall in their application to the Vidarbha region (except as respects things done or omitted to be done), cease to have effect, and shall stand repealed;

(b) all amendments made to the Indian Forest Act, 1927, in their application to the Bombay area of the State of Maharashtra and in force at the commencement of this Act, shall be deemed to be extended to, and shall be in force in, the remaining part of the State; and

(c) the Hyderabad Forest Act, 1355F (except Chapter VII thereof) shall stand repealed.

3. In section 1 of the Indian Forest Act, 1927, in its application to the whole of the State of Maharashtra as provided by section 2 (hereinafter referred to as "the principal Act"),—

(a) to sub-section (2), after the words and letter "Part B States", the words "other than the Hyderabad area of the State of Maharashtra" shall be added;

(ii) to sub-section (3), the following proviso shall be added, namely:—

"Provided that, on the commencement of the Indian Forest (Maharashtra Unification and Amendment) Act, 1960, this Act shall be in force in the Hyderabad area of the State of Maharashtra."

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1960, Part V, page 66.

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Amendment
of section 2
of Act XVI
of 1927.

4. In section 2 of the principal Act, 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.
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1951.

(4C) 'Revenue Officer' means a Revenue Officer as defined in the Bombay Land Revenue Code, 1879, or, where that Code is not in force, as defined in a law corresponding to that Code;". Bom.
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1879.

Insertion of
new
section 2A
in Act XVI
of 1927.

5. After section 2 of the principal Act, the following section shall be inserted, namely:—

Construction
of certain
references to
Central or
Bombay
Acts.

"2A. In the application of this Act to any area of the State of Maharashtra other than the Bombay area thereof, 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."

Amendment
of section 12
of Act XVI
of 1927.

6. Section 12 of the principal Act shall be re-numbered 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."

Amendment
of section 26
of Act XVI
of 1927.

7. In section 26 of the principal Act,—

(i) in sub-section (1), for the words beginning with the brackets and letter "(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 proposed forest in 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 proposed forest in land notified as aforesaid under section 4 —";

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Where a person is convicted under clause (d) or (h) of sub-section (1),—
(a) a Forest Officer not below the rank of a Ranger, or
(b) a Police Officer not below the rank of a Sub-Inspector, or
(c) a Revenue Officer not below the rank of a Mahalkari or Tahsildar,
may evict him from the forest or land in relation to which he has committed the offence."

8. In section 33 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Where a person is convicted of an offence under sub-section (1),—

(a) a Forest Officer not below the rank of Ranger, or

(b) a Police Officer not below the rank of Sub-Inspector, or

(c) a Revenue Officer not below the rank of Mahalkari or Tahsildar,

may evict him from the protected forest in relation to which he has committed the offence.”

Amendment
of section 33
of Act XVI
of 1927.

9. In section 35 of the principal Act,—

(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) Where a notice issued under sub-section (3) has been served on the owner of a forest in accordance with sub-section (5), any person acquiring thereafter the right of ownership of that 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 this section.”;

(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.”.

Amendment
of section 35
of Act XVI
of 1927.

10. In section 64 of the principal Act, 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.

Amendment
of section 64
of Act XVI
of 1927.

11. In section 65 of the principal Act, for the words “a Ranger”, the words “a Ranger, any Police Officer of a rank not inferior to that of Sub-Inspector or any Revenue Officer of a rank not inferior to that of Mahalkari or Tahsildar” shall be substituted.

Amendment
of section 65
of Act XVI
of 1927.

12. In section 66 of the principal Act, for the words “Every Forest Officer and Police Officer” the words “Every Forest Officer, Police Officer and Revenue Officer” shall be substituted.

Amendment
of section 66
of Act XVI
of 1927.

13. For section 68 of the principal Act, the following section shall be substituted, namely :—

Substitution
of section 68
of Act XVI
of 1927.

“68. (1) Subject to the provisions of sub-section (3), the State Government may, by notification in the *Official Gazette*, empower a Forest Officer—

Power to
compound
offences.

(a) to accept from any person about 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."

Amendment
of section 71
of Act XVI
of 1927.

14. In section 71 of the principal Act, for the words "eight annas", the words "fifty naye paise" shall be substituted.

Amendment
of section 78
of Act XVI
of 1927.

15. Section 78 shall be re-numbered as sub-section (1) of that section and after the sub-section so re-numbered, 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 each House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following and publish in the *Official Gazette*."

Amendment
of section 32
of Act XVI
of 1927.

16. In section 32 of the principal Act, after the words "such produce", the words and figures "or on account of compensation or value of property agreed to be paid under section 68" shall be inserted.

Savings.

17. The repeal of the provisions of the Hyderabad Forest Act, 1355 F by section 2 shall not affect—

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(a) the previous operation of the Act so repealed, or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Act 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 had 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 Act 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.

MAHARASHTRA ACT No. XV OF 1965.¹

[THE INDIAN FOREST (MAHARASHTRA AMENDMENT) ACT, 1964.]

[10th February 1965]

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

XVI WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra, for the purpose hereinafter appearing; It is hereby enacted in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Forest (Maharashtra Amendment) Act, Short title. 1964.

2. In section 41 of the Indian Forest Act, 1927, in its application to the State of Maharashtra, in sub-section (2), after clause (h), the following new clause shall be inserted, namely:—

“(hh) regulate by grant of licences, within the forest limits or such distance therefrom not exceeding eighty kilometres as may be determined, the converting or cutting of timber in a saw mill, and prescribe fees and conditions, subject to which such licences may be granted;”

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1964, Part V, Extra, page 466.

MAHARASHTRA ACT No. XXVII OF 1968¹.

[THE INDIAN FOREST (MAHARASHTRA AMENDMENT) ACT, 1968]

[28th August 1968]

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

XVI WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra, for the purpose hereinafter appearing; 1927. It is hereby enacted in the Nineteenth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Maharashtra Amendment) Act, Short title. 1968.

XVI 2. In section 2 of the Indian Forest Act, 1927, in its application to the State of Maharashtra, in sub-clause (a) of clause (4), for the words "rosha grass, rauwolfia serpentina" the words "rosha grass including oil derived therefrom, rauwolfia serpentina" shall be substituted. of section 2 of Act XVI of 1927.

¹ For Statement of Objects and Reasons, see the *Maharashtra Government Gazette*, 1968, Part V, Extra., p. 212.

**THE INDIAN FOREST (MAHARASHTRA SECOND AMENDMENT)
ACT, 1984.**

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THE INDIAN FOREST (MAHARASHTRA AMENDMENT) ACT, 1984

CONTENTS**PREAMBLE****SECTIONS**

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5. Amendment of section 33 of Act XVI of 1927.
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13. Substitution of section 58 of Act XVI of 1927.
14. Amendment of section 60 of Act XVI of 1927.
15. Amendment of section 61 of Act XVI of 1927.
16. Insertion of sections 61A to 61G in Act XVI of 1927.
17. Amendment of section 62 of Act XVI of 1927.
18. Amendment of section 65 of Act XVI of 1927.
19. Insertion of section 65A in Act XVI of 1927.
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MAHARASHTRA ACT No. VII OF 1985¹

[THE INDIAN FOREST (MAHARASHTRA AMENDMENT) ACT, 1984]

(This Act received the assent of the President on the 29th April 1985; assent was first published in the Maharashtra Government Gazette, Part IV, Extraordinary, on the 3rd May 1985).

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

XVI of 1927. WHEREAS, it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Forest (Maharashtra Amendment) Act, 1984. Short title and commencement.
- (2) It shall come into force on such date² as the State Government, by notification in the *Official Gazette*, appoint.

XVI of 1927. Bom. V of 1966. 2. In section 2 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in clause (4C), for the words and figures "the Bombay Land Revenue Code, 1879, or where that Code is not in force, as defined in a law corresponding to that Code;" the words and figures "the Maharashtra Land Revenue Code, 1966;" shall be substituted. Amendment of section 2 of Act XVI of 1927.

3. In section 26 of the principal Act, in sub-section (1) for the words "six months or with fine which may extend to five hundred rupees," the words "one year or with fine which may extend to two thousand rupees," shall be substituted. Amendment of section 26 of Act XVI of 1927.

4. In section 28 of the principal Act,—

(a) for the words and figures "the Bombay Village Panchayats Act, 1933," the words and figures "the Bombay Village Panchayats Act, 1958," shall be substituted; Amendment of section 28 of Act XVI of 1927.

(b) for the words and figures "the Bombay Co-operative Societies Act, 1925," the words and figures "the Maharashtra Co-operative Societies Act, 1960," shall be substituted.

5. In section 33 of the principal Act, in sub-section (1), for the words "six months or with fine which may extend to five hundred rupees," the words "one year or with fine which may extend to two thousand rupees," shall be substituted. Amendment of section 33 of Act XVI of 1927.

6. In section 42 of the principal Act, in sub-section (1), for the words "six months or with fine which may extend to five hundred rupees," the words "one year or with fine which may extend to two thousand rupees," shall be substituted. Amendment of section 42 of Act XVI of 1927.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1984, Part V, Extraordinary, Pages 113-114.

² Came into force on 1st June 1985, *Vide* G.N., R & F.D. No. TRS. 1083/91882 (i)/CR-87-F. 6, dated 31st May 1985.

Amendment
of section 52
of Act XVI
of 1927.

7. In section 52 of the principal Act,—

(a) 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 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 to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle”;

(b) in sub-section (2),—

(i) after the words “on such property,” the words and brackets “or the receptacle or vehicle (if any) in which it is contained,” shall be inserted;

(ii) after the proviso, the following shall be added, namely:—

“Provided further that, where the offence on account of which the seizure has been made is in respect of timber, sandalwood, firewood, charcoal or such other forest-produce as may be notified by the State Government from time to time (hereinafter referred to as the “notified forest-produce”) and which is the property of the State Government, such officer shall make a report of such seizure also to the concerned authorised officer under section 61A.

Explanation.—For the purposes of this Chapter, the expressions “property of Government” and “property of the State Government” include the property belonging to the Forest Development Corporation of Maharashtra, Limited.”;

(c) in the marginal note, for the word “confiscation.” the words “confiscation and forfeiture.” shall be substituted.

Amendment
of section 53
of Act XVI
of 1927.

8. In section 53 of the principal Act, 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.

Substitution
of section 54
of Act XVI
of 1927.

9. For section 54 of the principal Act, the following section shall be substituted, namely:—

Procedure,
on receipt
by
Magistrate
of report
of seizure.

“54. Upon the receipt of any report under sub-section (2) of section 52, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and, subject to sections 58 and 61G, for the disposal of the property according to law.”

Amendment
of section 55
of Act XVI
of 1927.

10. In section 55 of the principal Act,—

(a) in sub-section (1), for the words “shall be liable to confiscation.” the words, figures and letter “shall, subject to section 61G, be liable by order of the convicting court to forfeiture.” shall be substituted;

(b) in sub-section (2), for the word “confiscation” the word “forfeiture” shall be substituted;

(c) in the marginal note, for the word “confiscation” the word “forefeiture” shall be substituted.

11. In section 56 of the principal Act,—

- (a) for the word “confiscated” the word “forfeited” shall be substituted; Amendment of section 56 of Act XVI of 1927.
- (b) for the words “in any other case, may be disposed of” the words, figures and letter “in any other case may, subject to section 61G, be disposed of” shall be substituted.

12. In section 57 of the principal Act, for the portion beginning with the words “the Magistrate may” and ending with the words “to be confiscated” the following shall be substituted, namely :— Amendment of section 57 of Act XVI of 1927.

“the Magistrate may, if he finds that an offence has been committed, but subject to section 61G, order the property in respect of which the offence has been committed, to be forfeited together with tools, boats, vehicles or cattle and other articles used in committing the offence.”

13. For section 58 of the principal Act, the following section shall be substituted namely :— Substitution of section 58 of Act XVI of 1927.

“58. The Forest-officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold and shall report about every such sale to his official superior.” Procedure as to perishable property seized under section 52.

14. In section 60 of the principal Act, for the word “confiscation” the word “forfeiture” shall be substituted. Amendment of section 60 of Act XVI of 1927.

15. In section 61 of the principal Act, for the words and figures “seized under section 52.” the following shall be substituted, namely :— Amendment of section 61 of Act XVI of 1927.

“seized under section 52 which is not the property of Government and the withdrawal of any charge made in respect of such property.”

16. After section 61 of the principal Act, the following sections shall be inserted namely :— Insertion of sections 61A to 61G in Act XVI of 1927.

“61A. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter or any other law, where a forest-offence is believed to have been committed in respect of timber, sandalwood, firewood, charcoal or any other rotified 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, boats, vehicles 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 an officer below the rank of an Assistant Conservator of Forests (hereinafter referred to as “the authorised officer”). Confiscation by Forest-officers of forest-produce where forest-offence is believed to have been committed.

(2) The State Government may authorise one or more officers for any local area under sub-section (1).

(3) Where an authorised officer seizes under sub-section (1) of section 52 any timber, sandalwood, firewood, charcoal or any other notified forest-produce which is the property of the State Government or any such property is produced before an 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, boats, vehicles and cattle used in committing such offence.

(4) (a) Where the authorised officer, after passing an order of confiscation under sub-section (3), 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 and the tools, boats, vehicles and cattle to be sold by public auction.

(b) Where any confiscated property or the tools, boats, vehicles and cattle are 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 this section 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
before con-
fiscation
under
section 61A.

61B. (1) No order confiscating any timber, sandalwood, firewood, charcoal or any other notified forest-produce, tools, boats, vehicles or cattle shall be made under section 61A except after notice in writing to the person from whom it is seized 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, boat, vehicle or cattle shall be made under section 61A if the owner of the tool, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, firewood, charcoal or any other notified forest-produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, 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, *suo motu* call for and examine the record of the order of the authorised officer under section 61A; and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit :

Provided that no such record shall be called for after the expiry of 30 days from the date of such order, and no order under this section shall be passed if, in the meanwhile, an appeal has been filed under section 61D against the order of the authorised officer :

Provided further 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 and the tools, boats, vehicles and cattle to which the order relates has been seized and the Sessions Judge shall after giving an opportunity to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

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

61E. The award of any confiscation under section 61A or section 61C or section 61D shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act or any other law for the time being in force.

Award of confiscation not to interfere with other punishments.

61F. When an order for confiscation of any property or any tools, boats, vehicles or cattle is passed under section 61A or section 61C or section 61D and such order has become final in respect of the whole or any portion of such property, or tool, boat, vehicle or cattle, such property or portion thereof or tool, boat, vehicle or cattle or if it has been sold under clause (a) of sub-section (4) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.

Property etc. confiscated when to vest in Government.

II of
1974.

61G. Whenever any timber, sandalwood, firewood, charcoal or any other notified forest-produce which is the property of the State Government, together with any tool, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) 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 and any tool, boat vehicle or cattle.”

Bar of jurisdiction in certain cases.

17. Section 62 of the principal act shall be re-numbered as sub-section (1) thereof and,—

Amendment of section 62 of Act XVI of 1927.

(a) in sub-section (1) as so re-numbered, for the word “confiscation” the words “confiscation or forfeiture” shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) Any fine so imposed, or any portion thereof, shall, if the convicting court so directs, be given as compensation to the person aggrieved by such seizure.”

18. In section 65 of the principal Act, for the words “may release such person” the words, figures and letter “may, subject to and without prejudice to the provisions of section 65A, release such person” shall be substituted.

Amendment of section 65 of Act XVI of 1927.

19. After section 65 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 65A in Act XVI of 1927.

II of
1974. Criminal Procedure, 1973,—

“65A. Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973,—

Certain offences to be non-bailable.

(a) The offences under sections or clauses of sections mentioned in clause (b) shall be non-bailable.

(b) The sections and clauses of sections of this Act referred to in clause (a) are the following, namely :—

Section 26, clauses (a), (b), (f), (g), (h) and (i) of sub-section (1).

Section 33, clauses (a), (b), (c), (d), (f) and (h) of sub-section (1).

Section 42.

Section 63.

(c) No person accused of any offence referred to in clause (b), shall, if in custody, be released on bail or on his own bond unless,—

(i) the prosecution has been given an opportunity to oppose the application for such release, and

(ii) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence."

Amendment
of section 67
of Act XVI
of 1927.

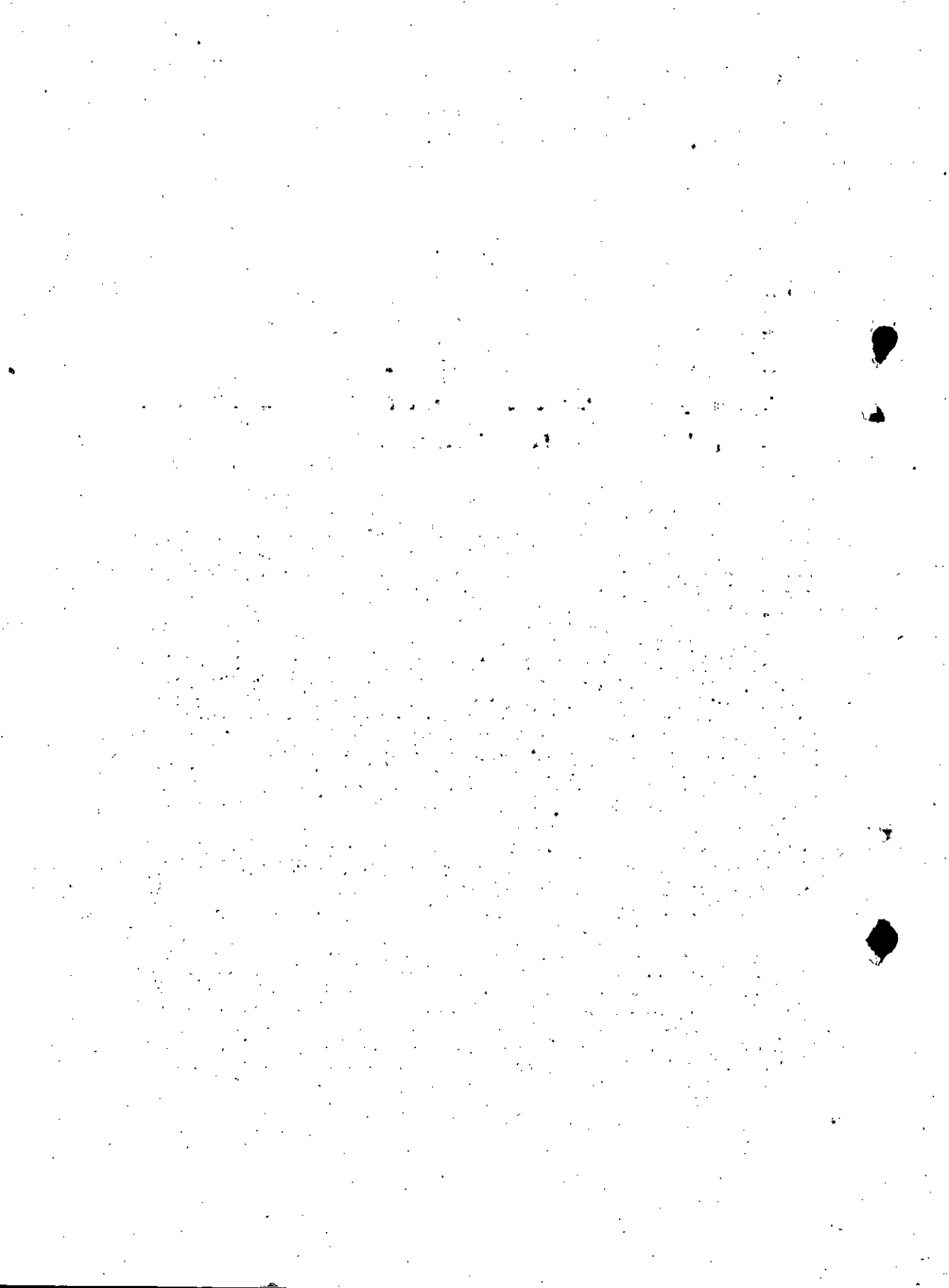
20. In section 67 of the principal Act,—

(a) for the words and figures "the Code of Criminal Procedure, 1898" the words and figures "the Code of Criminal Procedure, 1973" shall be substituted;

(b) for the words "not exceeding six months, or fine not exceeding five hundred rupees or both." the words "not exceeding one year, or fine not exceeding two thousand rupees, or both, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial; but, notwithstanding anything contained in the said Code, in the case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass sentence of imprisonment for any term for which such offence is punishable under this Act" shall be substituted.

Amendment
of section 72
of Act XVI
of 1927.

21. In section 72 of the principal Act, in sub-section (1), in clause (c), for the words and figures "the Code of Criminal Procedure, 1898" the words and figures "the Code of Criminal Procedure, 1973" shall be substituted.



MAHARASHTRA ACT No. XXIII OF 1984.¹

[THE INDIAN FOREST (MAHARASHTRA SECOND AMENDMENT) ACT, 1984.]

[This Act received the assent of the President on 16th August 1984; assent first published in the "Maharashtra Government Gazette" on the 18th August 1984.]

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

WHEREAS it was noticed that large scale illicit cutting of trees and quick conversion thereof into timber used to take place in saw mills located in or within some distance from Government forests;

XVI of 1927. AND WHEREAS there was no provision in the Indian Forest Act, 1927, in its application to the State of Maharashtra, empowering the State Government to make rules for regulating by grant of licences for the cutting or conversion of timber in saw mills within the forest limits or certain distance therefrom;

AND WHEREAS such illicit cutting and conversion of timber from Government forests and consequent loss of revenue could not, therefore, be arrested effectively;

Mah. XV of 1965. AND WHEREAS by the Indian Forest (Maharashtra Amendment) Act, 1964, sub-section (2) of section 41 of the Indian Forest Act, 1927, in its application to the State of Maharashtra, had been amended by inserting clause (hh) therein to regulate by grant of licences within the forest limits or such distance therefrom not exceeding eighty kilometres as may be determined, the converting or cutting of timber in a saw mill, and prescribe fees and conditions, subject to which such licence may be granted;

XVI of 1927. AND WHEREAS in Writ Petition No. 788 of 1984 (Ashok Narayan Thakur of Yavatmal versus Divisional Forest Officer, Yavatmal Zone, Yavatmal and another) and some more such writ petitions filed in the High Court of Bombay (Nagpur Bench), the provisions of the said clause (hh) of sub-section (2) of section 41 have been challenged *inter alia* on the grounds that the provisions of sub-section (1) of the said section 41 did not empower the State Government to regulate by grant of licences the converting or cutting of timber in a saw mill outside the limits of forests, and there was no substantive provision for that purpose in that section and, therefore, they were *ab initio* void and further that they were unconstitutional and violative of sub-clause (g) of clause (1) of article 19 of the Constitution of India inasmuch as the previous sanction of the President required under the provisions of the proviso to clause (d) of article 304 of the Constitution had not been obtained before the introduction of the Bill, which, after it was passed had been enacted as Maharashtra Act No. XV of 1965;

XVI of 1927. AND WHEREAS with a view to arresting the large scale illicit cutting of trees and conversion thereof into timber in the saw mills located within the forest limits and certain distance therefrom, it was expedient that power should be taken with retrospective effect to the State Government to make rules for regulating by grant of licences, within the forest limits or such distance therefrom not exceeding eighty kilometres as may be determined, the converting or cutting of timber in a saw mill, and prescribing fees and conditions, subject to which licence may be granted, and the manner in which, and the authority to whom, an appeal against the order of refusal, suspension or revocation of a licence may be filed, and for that purpose to amend section 41 of the Indian Forest Act, 1927, in its application to the State of Maharashtra suitably;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, Extra ordinary, dated the 11th July 1984, pages. 212-213.

AND WHEREAS it was also expedient to provide for the validation of such rules made, the licences granted or renewed and in force and anything done or any action taken thereunder;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra, for the purposes hereinafter appearing; and therefore promulgated the Indian Forest (Maharashtra Amendment) Ordinance, 1984, XVI
of
1927.
Mah.
Ord.
III of
1984.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Thirty-fifth Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Indian Forest (Maharashtra Second Amendment) Act, 1984.

(2) It shall be deemed to have come into force on the 22nd June 1984.

Amendment
of section 41
of Act XVI
of 1927.

2. In section 41 of the Indian Forest Act, 1927, in its application to the State of Maharashtra,— XVI
of
1927.
(a) after sub-section (1) the following sub-section shall be inserted; and shall be deemed to have been inserted; with effect from the 12th day of September 1960; namely:—

“(1A) Notwithstanding anything contained in any law for the time being in force, the State Government may make rules to regulate by grant of licences, within the forest limits or such distance therefrom not exceeding eighty kilometres as may be determined, the converting or cutting of timber in a saw mill, and prescribe fees and conditions, subject to which such licence may be granted, and the manner in which, and the authority to whom, an appeal against the order of refusal, suspension or revocation of a licence may be filed.”

(b) in sub-section (2), clause (h) shall be deleted, and shall be deemed to have been deleted, with effect from the 10th day of February 1965.

Conse-
quences of
retrospective
amendment
of section 41
of Act XVI
of 1927.

3. It is hereby declared that section 41 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter in this section referred to as “the principal Act”), having been retrospectively amended by this Act, with power to the State Government to make rules for the purposes referred to in section 41 of the principal Act, as amended by this Act,— XVI
of
1927.

(a) rule 88 under the heading “I. Conversion of Timber within certain distance of Forests” in Chapter VI of the Bombay Forest Rules, 1942 and the Form in Schedule EE thereto or any other provisions in relation to the grant of such licences contained in the said rules and the corresponding provisions contained in any other rules applicable in the Marathwada and the Vidarbha Region, as amended from time to time, and in force on the day immediately preceding the date of commencement of this Act shall be deemed to have been validly made and effective and continuously in force as if they have been made under the principal Act, as amended by this Act;

(b) all licences granted under the said rules and subsisting on the date of commencement of this Act shall be valid for the period for which they are granted or renewed;

(c) anything done or any action taken under the principal Act, as amended by this Act (including the rules made thereunder), shall be deemed to be, and shall be deemed always to have been, validly done and taken, and shall not be called in question in any Court or before any authority, merely on the ground that there was no valid rule making power vested in the State Government or that the amendments to the rules were not validly made or that the rules or amendments made thereto and the licences granted or renewed thereunder as aforesaid did not fit in the rule-making power of the State Government or on such other ground.

Mah. Ord. III of 1984. 4. (1) The Indian Forest (Maharashtra Amendment) Ordinance, 1984, is hereby Repeal of Mah. Ord. III of 1984 and
repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any rule framed, any order issued or any licence granted or renewed) under the said Ordinance shall be deemed to have been done, taken, framed, issued, granted or renewed, as the case may be, under the principal Act, as amended by this Act. saving.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक २८]

मंगळवार, जून २, २०१५/ज्येष्ठ १२, शके १९३७

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Indian Forest (Maharashtra Amendment) Act, 2015 (Mah. Act No. XXI of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A.
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXI OF 2015.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 2nd June 2015).

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

XVI of
1927.

WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Forest (Maharashtra Amendment) Act, 2013.

(2) It shall come into force on such date as the State Government may, by notification, in the *Official Gazette*, appoint.

Short title
and
commence-
ment.

Amendment
of section 26
of Act XVI of
1927.

2. In section 26 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”),—

(a) in sub-section (1),—

(i) for the words “two thousand rupees” the words “five thousand rupees” shall be substituted ;

(ii) the following proviso shall be added, namely :—

“Provided that, in cases where the forest-offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for any forest-offence the punishment may extend to double the punishment mentioned in this sub-section.”;

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

“(1A) (a) The Forest-officer may evict from a reserved forest or from any land in a reserved forest any person who, in such forest, trespasses or pastures cattle, or permits cattle to trespass, or clears or breaks up such land for cultivation or for any other purpose, and may demolish any building erected or construction made by such person on such land.

(b) Any agricultural or other crops grown, or any building erected or any construction made, by any person on any land in a reserved forest shall be liable to confiscation by an order of the Divisional Forest-officer.

(c) The provisions of this sub-section shall have effect notwithstanding any punishment inflicted under sub-section (1) :

Provided that, nothing in the above sub-section shall adversely affect the forest rights conferred on the forest dwelling Scheduled Tribes and other traditional forest dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the ownership rights of Gram Sabha over the minor forest-produce under the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.”;

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2007.
40 of
1996.

(c) for sub-section (4), the following sub-sections shall be substituted, namely :—

“(4) Any person who causes resistance or hurt to deter public servants or employees engaged on their behalf from discharging their duties under sub-section (1-A) shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but may extend to six years and also with fine which shall not be less than one thousand rupees.

(5) No civil court shall have any jurisdiction in any matter provided for by sub-section (1-A).”.

Amendment
of section 33
of Act XVI of
1927.

3. In section 33 of the principal Act, in sub-section (1), for the words “two thousand rupees” the words “five thousand rupees” shall be substituted.

4. In section 42 of the principal Act, in sub-section (1), for the words “two thousand rupees” the words “five thousand rupees” shall be substituted. Amendment of section 42 of Act XVI of 1927.
5. In section 52 of the principal Act,—
 (a) sub-section (1A) shall be deleted ; Amendment of section 52 of Act XVI of 1927.
 (b) in the marginal note, the words "and forfeiture" shall be deleted.
6. In section 55 of the principal Act,—
 (a) in sub-section (1), for the words “shall be liable by order of the convicting court to forfeiture” the words “shall be liable to confiscation” shall be substituted ; Amendment of section 55 of Act XVI of 1927.
 (b) in sub-section (2), for the word “forfeiture” the word “confiscation” shall be substituted ;
 (c) in the marginal note, for the word “forfeiture” the word “confiscation” shall be substituted.
7. In section 56 of the principal Act, for the word “forfeited” the word “confiscated” shall be substituted. Amendment of section 56 of Act XVI of 1927.
8. In section 57 of the principal Act, for the word “forfeited” the word “confiscated” shall be substituted. Amendment of section 57 of Act XVI of 1927.
9. In section 60 of the principal Act, for the word “forfeiture” the word “confiscation” shall be substituted. Amendment of section 60 of Act XVI of 1927.
10. In section 61A of the principal Act,—
 (a) for sub-section (3), the following sub-section shall be substituted :—
 “(3) Where any timber, sandalwood, firewood, charcoal or any other notified forest-produce, which is the property of the State Government, is seized under sub-section (1) of section 52, or any such forest-produce is produced before any authorised officer under sub-section (1) and he is satisfied that a forest-offence has been committed in respect of such forest-produce, notwithstanding whether or not a prosecution is instituted for the commission of such offence, such authorised officer shall order the forest-produce so seized to be taken charge of by a Forest-officer, and may order confiscation of all tools, boats, vehicles and cattles used in committing such offence.”;
 (b) in sub-section (4),—
 (i) for clause (a), the following clause shall be substituted, namely :—
 “(a) where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order sale of all confiscated tools, boats, vehicles and cattles.”;
 (ii) in clause (b),—
 (1) the words “property or the” shall be deleted ;
 (2) for the word “auction” the word “sale” shall be substituted.

Amendment
of section
61B of Act
XVI of 1927.

11. In section 61B of the principal Act,—

(a) in sub-section (1), the words “any timber, sandalwood, firewood, charcoal or any other notified forest-produce,” shall be deleted ;

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

“(3) When the offender or the owner of any tool, boat, vehicle or cattle seized under, sub-section (1) of section 52 is not known or cannot be found, and the authorised officer is satisfied that the same has been used in committing a forest-offence in respect of timber, fire-wood, sandalwood, charcoal or any other notified forest-produce which is the property of the State Government, notwithstanding anything contained in the foregoing provisions, the authorised officer may pass order in accordance with the provisions contained in section 61A :

Provided that, no such order shall be made until the expiration of a period of thirty days from the date of seizing such property or without hearing the person claiming any right thereto.”.

Substitution
of section
61F of Act
XVI of 1927.

12. For section 61F of the principal Act, the following section shall be substituted, namely :—

Property etc.
confiscated
when to vest
in
Government.

“61F. When an order for confiscation of any property has been passed under section 61A or section 61C, and the period of limitation provided by section 61D for filing an appeal against such order has elapsed, and no such appeal has been preferred or when on such an appeal being preferred, the Appellate Court confirms such order in respect, of the whole or a portion of such property, such property or such portion thereof, or if it has been sold under section 58 or under clause (a) of sub-section (4) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.”.

Amendment
of section
61G of Act
XVI of 1927.

13. In section 61G of the principal Act, for the word “ offence ” the words “ forest-offence in respect of such property ” shall be substituted.

Amendment
of section 62
of Act XVI of
1927.

14. In section 62 of the principal Act, in sub-section (1), the words “ or forfeiture ” shall be deleted.

Amendment
of section
65A of Act
XVI of 1927.

15. In section 65A of the principal Act, in clause (b), for the words, figures, brackets and letters “Section 26, clauses (a), (b), (f), (g), (h) and (i) of sub-section (1)”, the words, figures, brackets and letters “Section 26, clauses (a), (b), (d), (f), (g), (h) and (i) of sub-section (1) and sub-section (4)” shall be substituted.

Insertion of
new section
66A in Act
XVI of 1927.

16. After section 66 of the principal Act, the following section shall be inserted, namely :—

Punishment
for abetment.

“66A. Whoever abets any forest-offence shall, if the offence abetted is committed in consequence of abetment, be punished with the same punishment as is provided for such offence.”.

Amendment
of section 67
of Act XVI of
1927.

17. In section 67 of the principal Act, for the words “two thousand rupees” the words “five thousand rupees” shall be substituted.

18. In section 68 of the principal Act,—

Amendment
of section 68
of Act XVI of
1927.

(a) in sub-section (1),—

(1) in clause (a),—

(i) after the words “ other than an offence specified in ” the words, brackets and figures “ sub-section (4) of section 26 or ” shall be inserted;

(ii) for the words “ payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum of money,” the words “payment of a sum of money ” shall be substituted.

(2) in clause (b), for the words “on payment of, or at his discretion, on acceptance of an undertaking in writing to pay,” the words “ on payment of ” shall be substituted.

(b) in sub-section (2), for the words “ payment of, or on acceptance of an undertaking in writing to pay,” the words “ payment of, ” shall be substituted.

(c) in sub-section (3), for the words “ five hundred rupees ” the words “ five thousand rupees ” shall be substituted.

19. In section 71 of the principal Act,—

Amendment
of section 71
of Act XVI of
1927.

(a) for the words “ ten rupees ” the words “ Two hundred rupees ” shall be substituted ;

(b) for the words “ two rupees ” the words “ Two hundred rupees ” shall be substituted ;

(c) for the words “ one rupee ” the words “ Two hundred rupees ” shall be substituted ;

(d) for the words “ fifty naye paise ” the words “ One hundred rupees ” shall be substituted.

20. In section 82 of the principal Act, the words and figures “ or on account of compensation or value of property agreed to be paid under section 68 ” shall be deleted.

Amendment
of section 82
of Act XVI of
1927.