



The Arunachal Pradesh Anchal Forest Reserve (Constitution and Maintenance) Act, 1975

Act 1 of 1976

Keyword(s):

Anchal Forest, Anchal Samity, Zilla Parishad.

Amendment appended: 3 of 1981

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THE ARUNACHAL PRADESH ANCHAL
FOREST RESERVE

(CONSTITUTION AND MAINTENANCE) ACT, 1975

ACT NO. 1 of 1976

(Received the assent of the Lt. Governor on 12-1-1976)

AN

ACT

To provide for constitution and maintenance of Anchal Reserve Forests in Arunachal Pradesh and other matters connected therewith.

Whereas it is expedient to constitute for the benefit of the people of Arunachal Pradesh, Anchal Forest Reserves in Arunachal Pradesh.

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

1. (1) This Act may be called the Arunachal Pradesh Anchal Forest Reserve (Constitution and Maintenance) Act, 1975. Short title, extent and commencement

(2) It extends to the whole of Arunachal Pradesh.

(3) It shall come into force at once.

2. (1) In this Act, unless there is anything repugnant in the subject or context :— Definitions

(a) "Anchal Forest" means an Anchal Forest Reserve constituted under this Act ;

(b) "Anchal Samity" means an Anchal Samity constituted under the N E F A Panchayat Raj Regulation, 1967 (Regulation 3 of 1967) ;

(c) " Official Gazette " means the Arunachal Pradesh Gazette ;

(d) "State Government" means the Government of Arunachal Pradesh ;

(e) "Year" means the Financial year from 1st April of any year to 31st March of the following year ;

(f) "Zilla Parishad" means Zilla Parishad constituted under the NEFA Panchayat Raj Regulation, 1967 (No. 3 of 1967).

(2) Words and expression used but not defined in this Act and defined in Assam Forest Regulation VII of 1891, shall have the meanings respectively assigned to them in that Regulation.

3. (1) The State Government may, by notification in the Official Gazette, constitute any land (other than Reserved Forest) at the disposal of the Government as an Anchal Forest Reserve in the manner provided in Chapter II of the Assam Forest Regulation, 1891 for the constitution of Reserved Forests. Power to constitute Anchal Forest Reserve

(2) Only economically viable units of lands shall be constituted into Anchal Forest Reserves.

4. The provisions of Assam Forest Regulation, 1891 relating to Reserved Forests shall apply to Anchal Forest Reserves. Applicability of Assam Forest Regulation, 1891.

5. The revenue earned from each Anchal Forest Reserve shall be shared by the State Government and the concerned Anchal Samity and Zilla Parishad in the manner herein after provided. Sharing of revenue.

(i) The State Government shall meet the ordinary non-recurring and recurring expenditure of any year out of the revenue received during the year from the management of the Anchal Forest Reserve. The balance left after meeting such expenditure shall hereinafter referred to as the net revenue of the year.

(ii) The State Government shall retain every year fifty per cent of the net revenue of the year. Provided that if in any year, the ordinary non-recurring and recurring expenditure equals or exceeds the ordinary non-recurring and recurring expenditure over the revenue receipts, such excess expenditure shall be added to capital expenditure for the purpose of clause (iii).

(iii) All capital expenditure in a year shall be borne in the first instance by the State Government which shall be entitled to recover such capital expenditure at the rate of ten per cent till such time it is completely recovered. If there is any deficiency in any year in the recovery of capital expenditure as aforesaid, it shall be made out of the net revenue of succeeding

year or years so that total recovery of capital expenditure shall be made without default.

(iv) The State Government shall transfer to the concerned Anchal Samity and Zilla Parishad every year, in equal share, 50% of the net revenue of the year less the amount the State Government is entitled to recover under clause (ii).

(v) The State Government shall arrange to disburse to the Anchal Samity and Zilla Parishad, the amount payable under clause (iv) every year.

(vi) The Anchal Samity on receipt of the amount referred to in clause (iv) shall credit it to the Anchal Samity fund, constituted under section 37 of the NEFA Panchayat Raj Regulation, 1967 (3 of 1967).

(vii) The Zilla Parishad on receipt of intimation regarding the amount referred to in clause (iv) above shall distribute the same to the Anchal Samities within its jurisdiction in the manner prescribed under the rules.

6. (1) The State Government may make Rules to carry out the purposes of this Act. Power to make Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for :-

(a) to prescribe and limit the powers and duties of the Anchal Samity and Zilla Parishad and the Forest Department Officers who will manage the Anchal Reserve Forest ;

(b) for the preservation, reproduction and disposal of trees and timber and other forest produce in the Anchal Reserve Forest ;

(c) regulating or prohibiting, hunting, shooting, carrying firearms, fishing, poisoning of water or setting traps or snares ;

(d) to provide for the ejection of any person who has encroached upon forest reserves ; and

(e) for protection, advancement, treatment and management of local people and to specify their rights.

NOTE : Published in the Arunachal Pradesh Gazette, Extraordinary No. 12, Dated February 10, 1976.

THE ARUNACHAL PRADESH ANCHAL FOREST RESERVE (CONSTITUTION AND MAINTENANCE) AMENDMENT ACT, 1981.

(ACT NO. 3 OF 1981)

(Received the assent of the Lt. Governor on 20th November, 1981)

AN

ACT

to amend the Arunachal Pradesh Anchal Forest Reserve (Constitution and Maintenance) Act, 1975.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Thirty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Arunachal Pradesh Anchal Forest Reserve (Constitution and Maintenance) Amendment Act, 1981.

Short title and commencement.

(2) It shall come into force at once.

2. In the Arunachal Pradesh Anchal Forest Reserve (Constitution and Maintenance) Act, 1975 (hereinafter referred to as the principal Act), in sub-section (1) of section 2,—

Amendment of section 2.

(a) after clause (c) the following clause shall be inserted namely :—

“(cc) “prescribed” means prescribed by rules made under section 6.”

(b) after clause (d) the following clause shall be inserted namely :—

“(dd) “village” means a village as defined under clause (xii) of section 2 of the NEFA Panchayat Raj Regulation, 1967 :”

3 of 1967.

(c) the existing clause (f) shall be omitted.

3. In section 3 of the principal Act, for sub-section (2), the following shall be substituted, namely :—

Amendment of section 3.

“(2) All lands, where forest plantations can be raised, shall be constituted into Anchal Forest Reserves.”

4. In section 5 of the principal Act,—

Amendment of section 5.

(a) for the words “Zilla Parishad”, wherever they occur, the word “village” shall be substituted;

(b) in clause (i) the word “be” shall be inserted after the word “hereinafter” and before the words “referred”;

(c) in clause (vi) the following proviso shall be added at the end, namely :—

“Provided that 50 per cent of such amount shall be utilised for the development activities of the village concerned in such manner and by such authority as may be proscribed ;”

(d) the existing clause (vii) shall be omitted.

5. In sub-section (2) of section 6 of the principal Act, after clause (c) the following clause shall be inserted, namely :—

Amendment of section 6.

“(f) any other matter which is required to be or may be proscribed.”

Note—Published in the Arunachal Pradesh Gazette Extraordinary Vol (II), No. 168 dated November 23, 1981.