



The Madras Preservation of Private Forests (Amendment) Act, 1971

Act 9 of 1971

Keyword(s):
Private Forest

Amendments appended: 10 of 1971, 10 of 1973

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Act 9 of 1971

**THE MADRAS PRESERVATION OF PRIVATE FORESTS
(AMENDMENT) ACT, 1971 [\[1\]](#)**

An Act further to amend the Madras Preservation of Private Forests Act, 1949

Preamble.—WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949, for the purpose hereinafter appearing;

Be it enacted in the Twenty-second Year of the Republic of India as follows: —

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1971.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), for the figures, letters and word “31 st December, 1970”, the figures, letters and word ‘31 st December 1971’ shall be substituted.

3. *Repeal and saving.*—The Madras Preservation of Private Forests (Second Amendment) Ordinance, 1970 (22 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Act as if this Act had come into force on the 23 rd day of December, 1970.

Act 10 of 1971

**THE MADRAS PRESERVATION OF PRIVATE FORESTS
(SECOND AMENDMENT) ACT, 1971^[1]**

An Act further to amend the Madras Preservation of Private Forests Act, 1949

Preamble.—WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949, for the purposes hereinafter appearing;

Be it enacted in the Twenty-second Year of the Republic of India as follows: —

1. *Short title and commencement.*— (1) This Act may be called the Madras Preservation of Private Forests (Second Amendment) Act, 1971.

(2) This section and section 3 shall be deemed to have come into force on the 13 th day of January, 1971 and section 2 shall be deemed to have come into force on the 23 rd day of March, 1968.

2. *Amendment of section 10.*—For section 10 of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949) (hereinafter referred to as the principal Act), the following section shall be substituted, namely: —

“10. *Power to make rules.*— (1) The State Government may make rules prospectively or retrospectively for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for—

(a) the classes or kinds of trees, which may be permitted to be cut, and the girth of such trees;

(b) the terms and conditions subject to which permissions may be granted;

(c) the procedure to be followed by the District Collector before granting permissions;

(d) the levy and collection of fees on every application for permission under sub-section (2) of section 3.”

3. *Validation.*—Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court all fees levied or collected under the rules issued under the principal Act shall be valid and shall be deemed always to have been valid as if such fees were levied and collected under the rules issued under the principal Act as amended by this Act.

4. *Repeal and saving.*— (1) The Madras Preservation of Private Forests (Amendment) Ordinance, 1971 (2 of 1971), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Act.

Act 10 of 1973

**THE KERALA PRESERVATION OF PRIVATE FORESTS
(AMENDMENT) ACT, 1973^[1]**

An Act to amend the Kerala Preservation of Private Forests Act, 1972.

Preamble.—WHEREAS it is expedient to amend the Kerala Preservation of Private Forests Act, 1972, for the purposes hereinafter appearing;

BE it enacted in the Twenty-fourth Year of the Republic of India as follows:—

1. Short title *and commencement*.—(1) This Act may be called the Kerala Preservation of Private Forests (Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the 10th day of February, 1973.

2. *Amendment of section 2*.—In section 2 of the Kerala Preservation of Private Forests Act, 1972 (16 of 1972) (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

"(aa) 'forest tree' means a tree of any species other than the following, namely: —

Erthrina Indica and Erithrina Lythosperma (Murukku), Rubber (Havea Braziliensis), Jack (Artocarpus Integrifolia), Cashew (Anacardium Occidentale), Tamarind, Mango and Macaranga Pettata;".

3. *Insertion of new section 3A*.—After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. *Restriction in respect of exempted lands*.—No owner of any land which is not a private forest as defined in this Act, but to which the provisions of the Madras Preservation of Private Forests Act, 1949, applied immediately before the 10th day of May, 1971 and no person claiming under him, or any other person shall, without the previous permission of the District Collector, cut any forest tree from such land."

4. *Amendment of section 4*.—In section 4 of the principal Act,—

(a) after the words "of that section", the words, figure and letter "or under section 3A" shall be inserted ;

(b) for the words "In that sub-section", the word "therein" shall be substituted.

5. *Amendment of section 7*.—Section 7 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Whoever contravenes the provisions of section 3A or any of the terms and conditions subject to which a permission has been granted under that section shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both."

6. *Amendment of section 14.*—In sub-section (2) of section 14 of the principal Act,—

(i) in clause (a), after the words "permitted to be cut", the words, brackets and figures "under sub-section (3) of section 3" shall be inserted;

(ii) in clause (d), the words, figure and letter "or section 3A" shall be inserted at the end.

7. *Repeal and saving.*—(1) The Kerala Preservation of Private Forests (Amendment) Ordinance, 1973 (3 of 1973), is hereby repealed.

(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.