



The Indian Forest (The Uttar Pradesh Amendment) Act, 1973

Act 11 of 1973

Keyword(s):

Central Act Amendment, Indian Forest Act, 1927, Forest Settlement Officer, Forest Land

Amendments appended: 11 of 1964, 23 of 1965, 1 of 2001

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THE INDIAN FOREST (UTTAR PRADESH AMENDMENT) ACT, 1973
[U. P. Act No. 11 of 1973]

[*Authoritative English Text of the Uttar Pradesh Indian Forest (Uttar Pradesh Sanshodhan) Adhiniyam, 1973]

AN
ACT

further to amend the Indian Forest Act, 1927 and to provide for matters connected therewith

IT IS HEREBY enacted in the Twenty-fourth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Uttar Pradesh Amendment) Act, 1973. Short title.

2. After section 22 of the Indian Forest Act, 1927, as amended in its application to Uttar Pradesh, hereinafter referred to as the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from November 23, 1960, namely:— Insertion of a new section 22-A in Act 16 of 1927.

“22-A. (1) Without prejudice to the provisions of section 22, the State Government may, either of its own motion or on a petition being made in that behalf, call for the record of any appeal decided under section 18, and may confirm the order passed on such appeal, or set it aside, or modify it, or remand the case to the Forest Settlement Officer with such directions as it may think fit.

(2) No petition under this section may be made, after November 22, 1965, and the State Government may not exercise any power under this section. after the said date.”

3. (1) Any petition presented to the State Government at any time between November 23, 1960 and November 22, 1965, seeking revision of an order passed on appeal under section 18 of the principal Act shall unless it is a petition under section 22 of that Act for revision of any arrangement, be deemed to have been made under section 22-A of that Act inserted by section 2 of this Act. Transitory Provisions.

(2) Every such petition, whether pending on November 23, 1965, with the State Government or purporting to have been decided by it before that date, shall be referred by the State Government to the Tribunal having jurisdiction, and the Tribunal may, after ignoring the decision, if any, of the State Government and after giving to the parties an opportunity of being heard, confirm, set aside, or modify the order under revision, or remand the case to the Forest Settlement Officer with such directions as it thinks fit :

Provided that nothing in this sub-section shall be deemed to require the State Government to refer to the Tribunal any petition made by a Forest Officer which the State Government does not think fit to be pressed, and every petition made by a Forest Officer which is not so referred between November 23, 1965 and the expiration of three months from the commencement of this Act shall be deemed to have been rejected, irrespective of the purported decision, if any, thereon of the State Government.

(3) Every such petition purporting to have been referred by the State Government to the Tribunal before the commencement of this Act in the purported exercise of power assumed to have been conferred by sub-section (5) of section 16 of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, before the commencement of this Act shall be deemed to have been referred to

*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated January 12, 1973.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on January 19, 1973 and by the Uttar Pradesh Legislative Assembly on March 8, 1973.)

(Received the Assent of the Governor on March 28, 1973, under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated March 31, 1973.)

the Tribunal under sub-section (2) of this section as if the provisions of this Act were in force at the time of the reference, and accordingly—

(a) where either the Tribunal has itself held the reference to be incompetent and accordingly declined to exercise jurisdiction, or the proceedings before the Tribunal have been quashed by the High Court in exercise of its jurisdiction under Article 226 or Article 227 of the Constitution, on the ground that the petition purporting to be preferred under sub-section (4) of section 18 of the Indian Forest Act, 1927, was not maintainable as it was for a purpose other than one mentioned in section 22 of that Act, and as such no reference could be made to the Tribunal under sub-section (5) of section 16 of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, then the Tribunal, notwithstanding any such judgment, decree or order, shall, on an application being made to it within three months from the commencement of this Act, or such further time as the Tribunal may on sufficient cause being shown allow in that behalf, review its order and decide the reference in accordance with the provisions of sub-section (2);

(b) where the Tribunal has decided it on the merits of the case, the decision shall, subject to the provisions of section 22 of the principal Act, be deemed to be and always to have been valid, notwithstanding any judgment, decree or order of any Court to the contrary.

Explanation—The expression “Tribunal” means a Tribunal constituted under sub-section (3) of section 16 of the Indian Forest (Uttar Pradesh Amendment) Act, 1965.

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THE INDIAN FOREST (U. P. AMENDMENT) ACT, 1964*

[UTTAR PRADESH ACT NO. XI OF 1964]

[*Authoritative English text† of the Indian Forest (Uttar Pradesh Sanshodhan) Adhiniyam, 1964.*]

AN
ACT

to amend the Indian Forest Act, 1927, in its application to Uttar Pradesh, for certain purposes hereinafter appearing

Act XVI of 1927.

IT IS HEREBY enacted in the Fifteenth year of the Republic of India as follows :

1. (1) This Act may be called the Indian Forest (U. P. Amendment) Act, 1964.

Short title and extent.

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

2. In section 38-D of the Indian Forest Act, 1927 as amended in its application to Uttar Pradesh (hereinafter called the principal act), for the word "and" and the "comma" preceding it in sub-clause (iii) of clause (a) a semi-colon shall be substituted and thereafter the following new clause (aa) shall be inserted :

Amendment of section 38-D of Act XVI of 1927.

"(aa) In the case of a notification affecting a corporation, firm or body of persons, be served on the manager, principal officer or agent thereof in the manner provided in clause (a) ; and"

3. In section 38-F of the principal Act, for clause (i) the following shall be substituted :

Amendment of section 38-F of Act XVI of 1927.

"(i) breaks up or clears any land for cultivation or any other purpose, fires or clears any vegetation, girdles, taps, burns, lops, pollards, fells, cuts, saws, converts or removes any tree, or strips off the bark from any tree, in any forest in respect of which a notification under section 38-B or 38-C or 38-H has been issued, or does any of the aforesaid acts in contravention of the provisions contained in subsection (4) of section 38-H, or"

*[For statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated March 9, 1964.]

Passed in Hindi by the Uttar Pradesh Legislative Council on March 9, 1964 and by the Uttar Pradesh Legislative Assembly on March 14, 1964.

Received the Assent of the President on April 10, 1964 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated April 17, 1964.

†Published in the *Uttar Pradesh Gazette Extraordinary*, dated April 17, 1964.

Amendment of
section 38-H of
Act XVI of
1927.

4. In section 38-H of the principal Act, *after* sub-section (3) the following shall be added as sub-section (4) thereof :

“(4) No person shall, after the service of the notice referred to in sub-section (2), do or permit or cause to be done, save with the permission of the Forest Officer, any of the following acts on or in respect of such forest or forest land, namely—

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

(b) the firing or clearing of the vegetation ;

(c) the girdling or tapping or burning of any tree or the stripping off of the bark from any tree ;

(d) the lopping or pollarding of trees ;

(e) the felling, cutting, sawing, conversion or removal of trees ;

until—

(i) where objections under clause (a) of sub-section (2) have been filed, the disposal thereof under clause (b) of that sub-section and thereafter, unless the objections have been allowed, for a further period of six months or the publication of the notification under sub-section (1), whichever is earlier ;

(ii) where no objections under clause (a) of sub-section (2) have been filed, the publication of the notification under sub-section (1) or the expiry of six months from the date of service of the notice, whichever is earlier.”



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THE INDIAN FOREST (UTTAR PRADESH AMENDMENT) ACT, 1965

(U. P. ACT NO. XXIII OF 1965)

[*Authoritative English Text† of the Indian Forest (Uttar Pradesh Sanshodhan) Adhiniyam, 1965.]

AN ACT

further to amend the Indian Forest Act, 1927 in its application to Uttar Pradesh for the purposes hereinafter appearing.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Forest (Uttar Pradesh Amendment) Act, 1965.

Short title and extent.

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

2. For section 3 of the Indian Forest Act, 1927 (hereinafter called the principal Act), the following shall be substituted namely—

Substitution of new section for section 3 of Act XVI of 1927.

“3. The State Government may constitute any forest land or waste land or any other land (not being land for the time being comprised in any holding or in any village *abadi*) which is the property of Government or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled, a reserve forest in the manner hereinafter provided.

Explanation—The expression ‘holding’ shall have the meaning assigned to it in the U. P. Tenancy Act, 1939, and the expression ‘village *abadi*’ shall have the meaning assigned to it in the U. P. Village Abadi Act, 1947.”

3. For section 5 of the principal Act, the following shall be substituted, namely—

Substitution of new section for section 5.

“5. After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when

*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated August 23, 1965.

†Passed in Hindi by the Uttar Pradesh Legislative Council on August 17, 1965 and by the Uttar Pradesh Legislative Assembly on September 13, 1965.

Received the Assent of the President on November 13, 1965 and Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated November 23, 1965.

the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land nor any tree therein felled, girdled, lopped, tapped, or burnt, or its bark or leaves tripped off, or the same otherwise damaged, nor any forest-produce removed therefrom, except in accordance with such rules as may be made by the State Government in this behalf."

Amendment of section 11.

4. In section 11 of the principal Act, *after* sub-section (3), the following new sub-section shall be *added*, namely—

"(4) The provisions of sub-section (3) shall apply also when the Forest Settlement Officer proceeds to acquire any land in consequence of any order, passed on appeal or revision under this Act."

Substitution of new section for section 17.

5. For section 17 of the principal Act, the following shall be *substituted*, namely—

"17. Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the State Government in this behalf may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15 or section 16, present an appeal from such order to the District Judge.

Appeal from order passed under section 11, section 12, section 15 or section 16.

Explanation—In this section and in the succeeding sections of this Chapter, 'District Judge' means the District Judge of the district in which the land is situate, and includes an Additional District Judge to whom an appeal is transferred by the District Judge."

Substitution of new section for section 18.

6. For section 18 of the principal Act, the following shall be *substituted*, namely—

"18. (1) Every appeal under section 17 shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the District Judge.

Appeal under section 17.

(2) The District Judge may, after giving to the parties an opportunity of being heard, confirm, set aside or modify the order under appeal or remand the case to the Forest Settlement Officer with such direction as he thinks fit.

(3) During the pendency of the appeal the District Judge may, for sufficient cause, stay, on such terms, if any, as he thinks fit, the operation of the order appealed from and pass any incidental or consequential order.

(4) The order passed on the appeal shall, subject to the provisions of section 22, be final."

7. For section 19 of the principal Act, the following shall be substituted, namely—

Substitution of new section for section 19.

“19. The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement Officer or the District Judge in the course of any inquiry or appeal under this Act.”

Pleaders

8. For clause (b) of sub-section (1) of section 20 of the principal Act, the following shall be substituted, namely—

Amendment of section 20.

“(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the District Judge; and”.

9. After section 20 of the principal Act, the following new section shall be added, namely:—

Addition of new section 20-A.

“20-A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, including the Merged States (Laws) Act, 1949 or the U. P. Merged States (Application of Laws) Act, 1950, or any order issued thereunder, any forest land or waste land in a merged State which immediately before the date of merger (hereinafter in this section referred to as the said date),—

(a) was deemed to be a reserved forest under any enactment in force in that State, or

(b) was recognized or declared by the Ruler of such State as a reserved forest under any law (including any enactment, rule, regulation, order, notification, custom or usage having the force of law) for the time being in force, or

(c) was dealt with as a reserved forest in any administrative report or in accordance with any working plan or register maintained and acted upon under the authority of the Ruler,

shall be deemed to be and since the said date to have continued to be a reserved forest subject to the same rights or concession, if any, in favour of any person as were in force immediately before the said date.

Explanation I—A certificate of the State Government or of any officer authorised in this behalf to the effect that a report, working plan or register was maintained and acted upon under the authority of the Ruler shall be conclusive evidence of the fact that it was so maintained and acted upon.

Explanation II—Any question as to the existence or extent of any right or concession referred to in this sub-section shall be determined by the State Government, whose decision, given after such enquiry, if any as it thinks fit shall be final.

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Explanation III—‘Working plan’ includes any plan, scheme, project, map, drawings and lay-outs prepared, for the purpose of carrying out the operations in the course of the working and management of forests.

(2) No right shall be deemed to have been acquired on or after the said date in or over any land mentioned in sub-section (1) except by succession or under a grant or contract in writing made or entered into by or on behalf of the State Government or some person in whom such right was vested immediately before the said date and no fresh clearings since made for cultivation or for any other purpose (except clearings made in accordance with any concessions granted by the Ruler and in force immediately before the said date or in accordance with the rules made by the State Government in this behalf since the said date) shall be recognised as or deemed to be lawful, anything contained in this Act or any other law for the time being in force notwithstanding.

(3) The State Government may within five years from the commencement of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, revise any arrangement of the nature specified in section 22, and pass any incidental or consequential order, including any direction to the effect that any of the proceedings specified in the foregoing provisions of this Chapter be taken.

(4) In relation to any land mentioned in sub-section (1), the references in sections 24 and 26—

(a) to section 23 shall be construed as references to sub-section (2); and

(b) to rights admitted, recorded or continued under section 14 or section 15 shall be construed as references to rights of pasture or to forest produce admitted, recorded or continued in or under the corresponding enactment, law or document referred to in sub-section (1).

(5) Without prejudice to any action that may be or may have been taken for ejection, vacation of encroachment or recovery of damages in respect of any unauthorised occupation of or trespass over any land mentioned in sub-section (1), or for seizure, confiscation, disposal or release (on payment of value or otherwise) of any forest produce in respect of which any forest offence has been committed in relation to such land or of any tools, boats, carts or caule used in committing such offence, nothing in this section shall be deemed to authorize the conviction of any person for any act done before the commencement of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, which was not an offence before such commencement.”

10. For section 22 of the principal Act, the following shall substituted, namely—

Substitution of new section for section 22.

“22. The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or on appeal under section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.”

Powers to revise arrangements made under section 15 or section 18.

11. In sub-section (1) of section 26 of the principal Act, or clause (a), the following shall be substituted, namely—

Amendment of section 26.

“(a) makes any fresh clearing or does any other act prohibited by section 5, or”.

12. In Chapter II of the principal Act, after section 27, the following new section shall be added, namely—

Addition of new section 27-A.

“27-A. No act done, order made or certificate issued in exercise of any power conferred by or under this Chapter shall, except as hereinbefore provided, be called in question in any Court.”

Finality of orders etc.

13. In section 41 of the principal Act, after sub-section (2) the following new sub-sections shall be added, namely—

Amendment of section 41.

“(2-A) The State Government may by notification in the *Gazette*, delegate, either unconditionally or subject to such conditions as may be specified in the notification, to any Forest Officer, not below the rank of Conservator, the power to prescribe fees under clause (c) of sub-section (2).

(2-B) Notwithstanding any judgment, decree or order of any Court, any rule purporting to have been made by a Conservator before the commencement of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, prescribing fees to be paid in respect of passes specified in clause (b) of sub-section (2) shall be deemed to have been made under a power delegated under sub-section (2-A) as if the provisions of sub-section (2-A) were always in force and the Conservator were duly authorised thereunder, and shall be deemed to be and always to have been valid, and shall continue in force until altered, repealed or amended by the State Government or a duly authorised Conservator, as the case may be:

Provided that nothing in this sub-section shall be deemed to authorise the prosecution or punishment of any person under section 42 for any act done before the commencement of the said Act.”

Addition of new section 61-A.

14. After section 61 of the principal Act, the following new section shall be added, namely—

“61-A. Where a Court convicts any person of an offence under clause (a), clause (b) or clause (h) of sub-section (1) of section 26 of clause (c) or clause (h) of sub-section (1) of section 33, it may, when passing judgment, direct the eviction

Summary eviction of persons convicted of certain offences.

of such person from any land in respect of which the offence has been committed.

(2) Any Court of appeal or revision may direct any order under sub-section (1) passed by a Court subordinate thereto to be stayed pending consideration by the former Court and may modify, alter or annul such order.”

Substitution of new section for section 78.

15. For section 78 of the principal Act, the following shall be substituted, namely—

“78. (1) All rules under this Act shall be made by notification in the *Gazette*.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette* subject to such modifications or annulments as the two Houses of the Legislature may agree to make, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

Transitory provisions regarding appeals, revisions, etc.

16. (1) The jurisdiction and procedure relating to appeals arising out of any claim made before the commencement of this Act shall be governed by the provisions of sections 17 and 18 of the principal Act as amended by this Act.

(2) Any appeal pending before the commencement of this Act before an appellate officer under section 17 of the principal Act as it stood before its amendment by this Act shall be transferred by him to the District Judge having jurisdiction and shall be disposed of by such Judge under section 18 of the said Act as hereby amended.

(3) The State Government may by notification in the *Gazette* constitute one or more Tribunals in relation to such areas as may be specified for the purpose of deciding petitions referred to in sub-sections (5) and (6).

(4) A Tribunal shall consist of a civil judicial officer not below the rank of District Judge.

Explanation—The expression “District Judge” includes Additional District Judge.

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(5) Any petition for revision presented to the State Government, purporting to be made under sub-section (4) of section 18 of the principal Act, as it stood before its amendment by this Act, at any time within five years before the commencement of this Act, shall, whether pending on the date of such commencement with the State Government or purporting to have been decided by it before such date under the said sub-section, be referred by the State Government to the Tribunal having jurisdiction, and the Tribunal may after giving to the parties an opportunity of being heard, confirm, set aside or modify the order under revision, or remand the case to the Forest Settlement Officer with such directions as it thinks fit:

Provided that nothing in this sub-section shall be deemed to require the State Government to refer to the Tribunal any petition made by a Forest Officer which the State Government does not think fit to be pressed.

(6) Any party aggrieved by a decision of an appellate officer given under section 18 of the principal Act any time within three months before the commencement of this Act may, unless that party has already presented a petition for revision to the State Government purporting to be made under sub-section (4) of section 18 of the principal Act as it stood before its amendment by this Act, prefer to the Tribunal, within three months from the date of such commencement, a petition for revision against the order, and the Tribunal may thereupon dispose of the petition as if it were referred to it under sub-section (5).

(7) The order passed by the Tribunal shall, subject to the provisions of section 22 of the principal Act as hereby amended, be final.

(8) The references in sections 11 and 22 of the principal Act as hereby amended, to orders passed on appeal shall be construed as including references to orders passed by the Tribunal under this section.

No. 628(2)/XVII-V-1-1 (KA)-23-2001

Dated Lucknow, March 15, 2001

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the *Bhartiya Van (Uttar Pradesh Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 1 of 2000)* as passed by the Uttar Pradesh Legislature and assented to by the President on March 7, 2001 :—

**THE INDIAN FOREST (UTTAR PRADESH AMENDMENT)
ACT, 2000**

(U. P. ACT No. 1 OF 2001)

(As passed by the Uttar Pradesh Legislature)

**AN
ACT**

further to amend the Indian Forest Act, 1927 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Forest (Uttar Pradesh Amendment) Act, 2000.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Short title,
extent and
commencement

Amendment of
section 2 of Act
no. XVI of 1927

2. In section 2 of the Indian Forest Act, 1927, hereinafter referred to as the principal Act, for clause (1) the following clause shall be substituted, namely :—

“(1) “authorised officer” means an officer authorised under sub-section (1) of section 52-A;

(1-A) “cattle” includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids; ”

Amendment of
section 26

3. In section 26 of the principal Act, in sub-section (1),—

(i) in clause (b) after the words “reserved forest” the words “or to a forest in the land in respect of which a notification under section 4 has been issued” shall be inserted;

(ii) in clause (e) for the word “dragging” the word “removing” shall be substituted;

(iii) in clause (f) after the words “the same” the words “or any forest produce” shall be inserted;

(iv) for the words “shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both,” the words “shall, for an act under clause (b) or clause (f) or clause (g) or clause (h), 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, and on the second and every subsequent conviction for the same offence, with imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees but which shall not be less than five thousand rupees, or with both, and for an act under any of the other clauses, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both, and on the second and every subsequent conviction for the same offence, with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both,” shall be substituted.

Amendment of
section 33

4. In section 33 of the principal Act, in sub-section (1),—

(i) in clause (c) after the words “or clears” the words “or, attempts to break up or clear” shall be inserted;

(ii) in clause (f) for the word “drags” the word “removes” shall be substituted;

(iii) for the words “six months or with fine which may extend to five hundred rupees, or with both” the words “two years, or with fine which may extend to five thousand rupees, or with both and on the second and every subsequent conviction for the same offence, with imprisonment for a term which may extend to two years and with fine which may extend to ten thousand rupees” shall be substituted.

Amendment of
section 42

5. In section 42 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to two years, or fine which may extend to five thousand rupees or both.”

Amendment of
section 52

6. In section 52 of the principal Act,—

(i) in sub-section (1), for the words “vehicles or cattle” the words “vehicles, cattle, ropes, chains or other articles” shall be substituted;

(ii) for sub-section (2), the following sub-sections shall be substituted, namely—

“(2) Any Forest Officer or Police Officer may, if he has reason to believe that a boat or vehicle has been, or is being, used for the

transport of any forest produce in respect of which a forest offence has been, or is being, committed, require the driver or other person in charge of such boat or vehicle to stop it, and he may detain such boat or vehicle for such reasonable time as is necessary to examine the contents in such boat or vehicle and to inspect the records relating to the goods transported so as to ascertain the claims, if any, of the driver or other person in charge of such boat or vehicle regarding the ownership and legal origin of the forest produce in question.

(3) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made, and if the seizure is in respect of forest produce which is the property of the State Government, shall also make a report to the authorised officer."

7. After section 52 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 52-A, 52-B, 52-C and 52-D

"52-A (1) Notwithstanding anything contained in this Act or any other law for the time being in force where a forest offence is believed to have been committed in respect of any forest produce, which is the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall, without unreasonable delay, produce it together with all the tools, boats, vehicles, cattle, ropes, chains and other articles used in committing the offence, before an officer, not below the rank of a Divisional Forest Officer, authorised by the State Government in this behalf, who may, for reasons to be recorded, make an order in writing with regard to custody, possession, delivery, disposal or distribution of such property, and in case of tools, boats, vehicles, cattle, ropes, chains and other articles, may also confiscate them.

(2) The authorised officer shall, without any undue delay, forward a copy of the order made under sub-section (1) to his official superior.

(3) Where the authorised officer passing an order under sub-section (1) is of the opinion that the property is subject to speedy and natural decay he may order the property or any part thereof to be sold by public auction 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.

(4) No order under sub-section (1) shall be made without giving notice, in writing, to the person from whom the property is seized, and to any other person who may appear to the authorised officer to have some interest in such property:

Provided that in an order confiscating a vehicle, when the offender is not traceable, a notice in writing to the registered owner thereof and considering his objections if any will suffice.

(5) No order of confiscation of any tool, boat, vehicle, cattle, rope, chain or other article shall be made if any person referred to in sub-section (4) proves to the satisfaction of the authorised officer that any such tool, boat, vehicle, cattle, rope, chain or other article was used without his knowledge or connivance or without the knowledge or connivance of his servant or agent, as the case may be, and that all reasonable precautions had been taken against use of the objects aforesaid for the commission of the forest offence.

"52-B. Any person aggrieved by an order of confiscation may, within thirty days of the date of Communication to him of such order, prefer an appeal to the State Government and the State Government shall, after giving an opportunity of being heard to the appellant and the authorised officer pass such order as it may think fit confirming, modifying or annulling the order appealed against and the order of the State Government shall be final.

52-C. No order of confiscation under section 52-A or 52-B shall prevent the infliction of any punishment to which the person affected thereby may be liable under this Act.

Order of confiscation not to prevent any other punishment

52-D 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, whenever any forest produce belonging to the State Government together with any tool, boat, vehicle, cattle, rope, chain or other article is seized under sub-section (1) of section 52, the authorised officer under section 52-A or the State Government under section 52-B shall have jurisdiction, to the exclusion of every other officer, court, Tribunal or authority, to make orders with regard to the custody, possession, delivery, disposal or distribution of the property."

Bar of jurisdiction in certain cases

Amendment of section 53

8. In section 53 of the principal Act,—

(i) for the words "vehicles or cattle" the words "vehicles, cattle, ropes, chains or other articles" shall be *substituted*.

(ii) after the words "the seizure has been made" the words "except in respect of cases falling under section 52-A for which the procedure laid down in that section shall be followed" shall be *inserted*.

Amendment of section 55

9. In section 55 of the principal Act, in sub-section (1) for the words "vehicles and cattle used in committing any forest offence" the words "vehicles, cattle, ropes, chains and other articles used in committing such forest offence" shall be *substituted*.

Amendment of section 57

10. In section 57 of the principal Act, for the words "The Magistrate may." the words "the Magistrate, subject to section 52-D may," shall be *substituted*.

Amendment of section 58

11. In section 58 of the principal Act for the words "the Magistrate may, notwithstanding anything hereinbefore contained," the words "Notwithstanding anything hereinbefore contained, but subject to sub-section (3) of section 52-A, the Magistrate may," shall be *substituted*.

Amendment of section 60

12. Section 60 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered the following sub-section shall be *inserted*, namely:—

"(2) When an order for confiscation has been passed under section 52-A and the period of limitation for an appeal or revision has elapsed and no appeal or revision has been preferred or when in an appeal or revision the order for confiscation for whole or a portion of the property has been confirmed, the property or such portion, as the case may be, shall vest in the State Government free from all encumbrances."

Insertion of new sections 61-B and 61-C

13. After section 61-A of the principal Act, the following sections shall be *inserted* namely:—

"61-B (1) If a Forest Officer, not below the rank of a Divisional Forest Officer, is of the opinion that any person is in unauthorised occupation of any land in areas constituted as a reserved or protected forest under section 20 or section 29 as the case may be, and that he should be evicted, the Forest Officer shall issue a notice in writing calling upon the person concerned to show cause, on or before such date as is specified in the notice, why an order of eviction should not be made.

(2) If after considering the cause, if any, shown in pursuance of a notice under this section, the Forest Officer is satisfied that the said land

Summary eviction of unauthorised occupants

is in unauthorised occupation, he may make an order of eviction for reasons to be recorded therein, directing that the said land shall be vacated by such date, as may be specified in the order, by the person concerned, which shall not be less than ten days from the date of the order.

(3) If any person refuses or fails to comply with the order of eviction by the date specified in the order, the Forest Officer who made the order under sub-section (2) or any other Forest Officer, duly authorised by him in this behalf, may evict that person from and take possession of the said land and may, for this purpose, use such force as may be necessary.

(4) Any person aggrieved by an order of the Forest Officer under sub-section (2) may, within such period and in such manner as may be prescribed, appeal against such order to the Conservator of Forests of the circle or to such officer as may be authorised by the State Government in this behalf and the order of the Forest Officer shall, subject to the decision in such appeal, be final.

61-C (1) Where any person has been evicted from any land under section 61-B, the Forest Officer may, after giving not less than ten days notice to the person from whom possession of the land has been taken, remove or cause to be removed or dispose of, by public auction, any property remaining on such land including any material of a demolished building or standing crop.

(2) Where any property is sold under sub-section (1) the sale proceeds thereof shall, after deducting the expenses of the sale and the expenses necessary to restore the land to its original condition, be paid to the person concerned."

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

Insertion of new section 65-A

"65-A (1) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 any offence punishable under section 26, or section 33 or section 42 or section 63 shall be non-bailable.

(2) No person accused of any offence as aforesaid shall, if in custody, be released on application for release on bail or on his own bond unless—

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

(b) Where the prosecution opposes the application as aforesaid the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence."

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

Insertion of new section 66-A

"66-A. Whoever, being a Forest Officer or Police Officer, bound under section 66 to prevent commission of any forest offence, intentionally or knowingly, neglects or omits to prevent or abets, the commission of such offence, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both."

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

Amendment of section 68

(i) the word "and is in receipt of a monthly salary amounting to at least one hundred rupees" shall be omitted;

(ii) for the words "five hundred rupees" the words "five thousand rupees for the first offence and for second and subsequent offence of the same nature shall not be less than five thousand rupees or more than ten thousand rupees," shall be substituted.

- Substitution of section 74 17. For section 74 of the principal Act, the following section shall be substituted, namely :—
- “74. No suit, prosecution or other legal proceeding shall lie against the State Government or any public servant for anything which is in good faith done or intended to be done in pursuance of this Act or rules or orders made thereunder.”
- Indemnity for acts done in good faith
- Amendment of section 77 18. In section 77 of the principal Act for the words “one month, or 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 79 19. In section 79 of the principal Act, in sub-section (2) for the words “one month, or with fine which may extend to two hundred rupees”, the words “one year, or with fine which may extend to one thousand rupees,” shall be substituted.
- Substitution of section 82 20. For section 82 of the principal Act, the following section shall be substituted, namely :—
- “82. All money, other than fines, payable to the State Government under this Act or under any rule made thereunder or on account of the price of any forest produce or any agricultural crop grown on land owned by the State Government in a reserved or protected forest or under any contract relating to forest produce or said agricultural crop, including any sum recoverable thereunder for breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of such agricultural crop or other forest produce by auction or by invitation of tenders issued by or under the authority of a Forest Officer and all compensation awarded to the State Government under this Act, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land revenue.”
- Recovery of money due to State Government

STATEMENT OF OBJECTS AND REASONS

In the recent past incidence of forest offences has increased considerably. Forest offences are now committed by organised and influential gangs with money and muscle power. Encroachments on forest land have also increased. The provisions of Indian Forest Act, 1927, in its application to Uttar Pradesh, are not adequate to put an effective check on the activities of such offenders. It is, therefore, considered necessary to amend the said Act in its application to Uttar Pradesh so as to equip the officers of the State Government with more powers to deal with such offenders effectively and to provide for stringent punishment for such offences. Certain offences have been made non-bailable. It is also considered necessary to provide for seizure and confiscation of certain other articles like ropes chains, etc. besides tools, boats, carts and cattles and to lay down specific procedure for seizure of forest produce which is the property of Government together with the tools, boats, carts, cattles etc. and confiscation of such tools, boats etc. It is also considered necessary to provide for appeal to the State Government against the order of confiscation and to make the decision of the State Government final. In view of large number of cases of encroachment on forest land, it has been considered necessary to provide for summary eviction of unauthorised occupants and disposal of properties left on land by such unauthorised occupants. Certain valuable forest produce are being included in the term ‘forest produce’. Certain other consequential amendments are also being made.

The Indian Forest (Uttar Pradesh Amendment) Bill, 2000 is accordingly introduced.

RAJDHARI SINGH,
Mantri, Van.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.