

**ANDHRA PRADESH (ANDHRA AREA) PRESERVATION OF
PRIVATE FORESTS ACT, 1954**

12 of 1954

[13th December, 1954]

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**ANDHRA PRADESH (ANDHRA AREA) PRESERVATION OF
PRIVATE FORESTS ACT, 1954**

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An Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes. Be it enacted in Fifth Year of the Republic of India as follows:

1. Short title, application and commencement :-

(1) This Act may be called the Andhra Pradesh (Andhra Area) Preservation of Private Forests Act, 1954.

(2) It applies

(i) to forests, situated in estates as defined in the Andhra Pradesh (Andhra Area) Estates Land Act, 1908, in the Andhra area of the State of Andhra Pradesh whether or not such estates are or have been notified and taken over by the State Government under the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948.

Provided that the provisions of this clause shall cease to apply to any forest in any State which has been so notified and taken over by the State Government, as soon as final decision is given in respect of the land covered by such forest under Section II or Section 15 of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948.

(ii) to private forests situated in other areas in the Andhra area of the State of Andhra Pradesh and having a contiguous area exceeding 100 acres which may be declared by the State Government to be forests for the purpose of this Act by notification in the Andhra Pradesh Gazette but does not apply to reserved forests constituted under the Andhra Pradesh (Andhra Area) Forest Act, 1882, and lands at the disposal of the Government as defined in that Act.

(3) It shall be deemed to have come into force on 2nd day of December 1954.

2. Definitions :-

(1) In this Act, unless there is anything repugnant in the subject or context,

(a) forest includes waste or communal land containing trees and shrubs, pasture land and any other class of lands declared by the State Government to be a forest by notification in the Andhra Pradesh Gazette.

Explanation:- For the purposes of this clause, communal land means any land of the description mentioned in sub clause (a) or sub clause (b) of Clause 16 of Section 3 of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908;

(b) owner in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;

(c) person includes a Hindu undivided family, a Marumakkattayam

tarward or tavazhi and an Aliyasantana family or branch.

(2) Any reference to a Madras Act in this Act, shall be construed as a reference to that Act as in force in the Andhra area of the State of Andhra Pradesh.

3. Preservation of private forests :-

(1)

(a) No owner of any forest shall, without the previous sanction of the District Collector, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

Explanation:- Nothing in this sub section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce, other than trees and timber in the usual or customary manner, for a period not exceeding two years.

(b) Any alienation made on or after the 16th day of August 1946 in contravention of Clause (a) shall be null and void.

(2) No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of this Act, or no other person shall without the previous permission of the District Collector, cut trees or do any act likely to denude the forest or diminish its utility as a forest:

Provided that nothing contained in this sub section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.

(3) Notwithstanding anything contained in sub section (1) or sub section (2), the State Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

4. Appeals :-

Any person aggrieved by an order under Clause (a) of sub section (1) of Section 3 or under sub section (2) of that section in regard to the sanction or permission referred to in that clause or sub section may, within two months of the receipt of such order, prefer an appeal in writing to the State Government. The State Government

shall pass such orders on the appeal as they may think fit.

5. Stay of certain civil and criminal proceedings :-

(1) All suits, proceedings in execution of decrees or orders and other proceedings including proceedings by way of appeal or revision, in which a claim to customary or prescriptive rights in a forest is involved and all criminal proceedings in respect of offences which are of the nature described in Chapter XVII of the Indian Penal Code, and arise out of any act done in exercise or assertion of such customary or prescriptive rights, and which stood stayed up to the 2nd day of December 1954, or which may be instituted after the said date, shall continue to stand stayed, or shall stand stayed, as the case may be, and shall not be proceeded with until after the expiration of this Act.

(2) Notwithstanding anything contained in sub section (1) the State Government may direct that any suit or proceeding or class thereof stayed under sub section (1) shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

6. Power to prohibit or regulate certain acts :-

If, in the opinion of the State Government, it is necessary for the preservation of a forest or forests, they may, by notification in the Andhra Pradesh Gazette,

(i) prohibit or regulate the doing of any act likely to be detrimental to the preservation of such forest or forests;

(ii) regulate the exercise of customary or prescriptive rights in such forest or forests.

7. Penalties :-

(1) Whoever contravenes the provisions of sub section (1) or sub section (2) of Section 3 or any of the terms of a notification under Section 6 shall be punishable with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees or with both.

(2) Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class, specially empowered by the State Government in this behalf, to impose a sentence of fine exceeding two thousand rupees.

8. Institution of prosecutions :-

No prosecution shall be instituted against any person without the sanction of the District Collector.

9. Bar of suits :-

No order of the State Government or the District Collector under this Act and no notification issued by the State Government under Section 6 shall be liable to be questioned in any court.

10. Power to make rules :-

(1) The State Government may, by notification in the Andhra Pradesh Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, 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.

11. Continuance of suits and proceedings after the expiration of the Act :-

All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed.

12. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

13. Savings :-

(1) Any rule, order, notification, decision, direction, action, proceeding, thing, liability, penalty or punishment made, issued, given, taken, done, incurred or awarded, or deemed to have been made, issued, given, taken, done, incurred or awarded, as the case may be

(a) under any of the provisions of the Madras Preservation of Private Forests Act, 1949 as in force in the Andhra area of the State of Andhra Pradesh immediately before its expiry on the 2nd day of December 1954, or

(b) on or after the 3rd day of December 1954, under any of the provisions of the said Act on the footing that the said Act was in force at the relevant time, shall be deemed to have been made, issued, given, taken, done, incurred or awarded under the corresponding provision of this Act.

(2) Nothing contained in this Act shall render any person liable to any punishment or penalty whatsoever by reason of anything done or omitted to be done by him contrary to the provisions of this Act between the 2nd day of December 1954 and the date of publication of this Act in the Andhra Gazette.

14. Indemnity for acts, etc., done after expiry of Madras and Acts XVII of 1946 and XXVII of 1949 :-

(1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the State Government or any person acting under his direction or aiding or assisting him

(a) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him in the exercise of any jurisdiction or power purporting to have been conferred on him by the Madras Preservation of Private Forests Act, 1946, or the Madras Preservation of Private Forests Act, 1949, or

(b) for carrying out any sentence passed, by any court in the exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the State Government for, or on account of, or in respect of, any act, matter or thing whatsoever purporting to have been done in pursuance of or under, either of the said Acts.

(3) Sub sections (1) and (2) shall have effect although either of the said Acts was not or might not have been in force at the relevant time.