

**Kerala Private Forests (Vesting And Assignment)
Amendment Act, 1978**

5 of 1978

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 7
3. Amendment Of Section 8
4. Insertion Of New Section 8A
5. Amendment Of Section 13
6. Transitory Provisions
7. Repeal And Saving

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An act to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971 . WHEREAS it is expedient to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971, for the purposes hereinafter appearing; BE it enacted in the Twenty-ninth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1978.
- (2) It shall be deemed to have come into force on the 25 th day of August, 1977.

2. Amendment Of Section 7 :-

In section 7 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971) (hereinafter referred to as the principal Act),

- (a) in sub-section (4), the words but subject thereto, the decision of the Tribunal on any matter within its jurisdiction shall be final and conclusive shall be and shall be deemed always to have been, omitted ;

(b) after subsection (4), the following subsection shall be deemed always to have been, inserted, namely:

(4A) Subject to the provisions of subsection (4) and section 8A, the decision of the Tribunal on any matter within its jurisdiction shall be final and conclusive.

3. Amendment Of Section 8 :-

In section 8 of the principal Act, for subsection (3) the following sub-section shall be, and shall be deemed always to have been, substituted, namely:

(3) If the Tribunal decides that any land is not a private forest or that a private forest or portion thereof has not vested in the Government and

(a) no appeal has been preferred against the decision of the Tribunal within the period specified therefor : or

(b) such appeal having been preferred has been dismissed by the High Court, the custodian shall, as soon as may be after the expiry of the period referred to in clause (a) or, as the case may be after the date of the order of the High Court dismissing the appeal, restore possession of such land or private forest or portion, as the case may be, to the person in possession thereof immediately before the appointed day.

4. Insertion Of New Section 8A :-

After section 8 of the principal Act, the following section shall be, and shall be deemed always to have been, inserted, namely:

8A. Appeal to the High Court .-(1) The Government or any person objecting to any decision of the Tribunal may, within a period of sixty days from the date of that decision, appeal against such decision to the High Court:

Provided that the High Court may admit an appeal preferred after the expiration of the period of sixty days aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) The appeal shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a fee of one hundred rupees.

(3) On receipt of an appeal under subsection (1), the High Court may, after giving the parties a reasonable opportunity of being heard, either in person or by a representative,

(a) confirm or cancel the decision of the Tribunal appealed against;

or

(b) set aside such decision and remand the case to the Tribunal for decision after such further inquiry as may be directed; or

(c) pass such other orders as it may think fit.

(4) If the High Court decides that any land is not a private forest or that a private forest or portion thereof has not vested in the Government, the custodian shall, as soon as may be, restore possession of such land or private forest or portion, as the case may be, to the person in possession in thereof immediately before the appointed day.

(5) Every order passed in appeal under this section shall be final.

5. Amendment Of Section 13 :-

In section 13 of the Principal Act, the word Except as otherwise provided in this Act shall be, and shall be deemed always to have been, inserted at the beginning.

6. Transitory Provisions :-

Notwithstanding anything contained in any law or in any judgment, decree or order of any court, the Government or any Person objecting to any decision of the Tribunal constituted under section 7 of the Principal Act, made at any time before the commencement of this Act may, within a period of ninety days from such commencement, appeal to the High Court against such decision, and the provisions of subsections (2) to (5) (both inclusive) of section 8A of the Principal Act as amended by this Act shall apply in respect of such appeal.

7. Repeal And Saving :-

(1) The Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1977 (14 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the Principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act or, as the case may be, under the Principal Act as amended by this Act.