

Indian Forest (Maharashtra Amendment) Act, 2013

21 OF 2015

[02 June 2015]

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An Act further to amend the Indian Forest Act, 1927 in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Indian Forest (Maharashtra

Amendment) Act, 2013.

(2) It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint.

2. Amendment of section 26 of Act XVI of 1927 :-

In section 26 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"),-

(a) in sub-section (1),-

(i) for the words "two thousand rupees" the words "five thousand rupees" shall be substituted ;

(ii) the following proviso shall be added, namely :-

"Provided that, in cases where the forest-offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for any forest-offence the punishment may extend to double the punishment mentioned in this sub-section.";

(b) after sub-section (1), the following sub-section shall be inserted, namely :-

"(1A) (a) The Forest-officer may evict from a reserved forest or from any land in a reserved forest any person who, in such forest, trespasses or pastures cattle, or permits cattle to trespass, or clears or breaks up such land for cultivation or for any other purpose, and may demolish any building erected or construction made by such person on such land.

(b) Any agricultural or other crops grown, or any building erected or any construction made, by any person on any land in a reserved forest shall be liable to confiscation by an order of the Divisional Forest-officer.

(c) The provisions of this sub-section shall have effect notwithstanding any punishment inflicted under sub-section (1) : Provided that, nothing in the above sub-section shall adversely affect the forest rights conferred on the forest dwelling Scheduled Tribes and other traditional forest dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the ownership rights of Gram Sabha over the minor forest-produce under the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.";

(c) for sub-section (4), the following sub-sections shall be substituted, namely :-

" (4) Any person who causes resistance or hurt to deter public

servants or employees engaged on their behalf from discharging their duties under sub-section (1-A) shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but may extend to six years and also with fine which shall not be less than one thousand rupees.

(5) No civil court shall have any jurisdiction in any matter provided for by sub-section (1-A).".

3. Amendment of section 33 of Act XVI of 1927 :-

In section 33 of the principal Act, in sub-section (1), for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

4. Amendment of section 42 of Act XVI of 1927 :-

In section 42 of the principal Act, in sub-section (1), for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

5. Amendment of section 52 of Act XVI of 1927 :-

In section 52 of the principal Act,-

(a) sub-section (1A) shall be deleted ;

(b) in the marginal note, the words "and forfeiture" shall be deleted.

6. Amendment of section 55 of Act XVI of 1927 :-

In section 55 of the principal Act,-

(a) in sub-section (1), for the words "shall be liable by order of the convicting court to forfeiture" the words "shall be liable to confiscation" shall be substituted ;

(b) in sub-section (2), for the word "forfeiture" the word "confiscation" shall be substituted ;

(c) in the marginal note, for the word "forfeiture" the word "confiscation" shall be substituted.

7. Amendment of section 56 of Act XVI of 1927 :-

In section 56 of the principal Act, for the word "forfeited" the word "confiscated" shall be substituted.

8. Amendment of section 57 of Act XVI of 1927 :-

In section 57 of the-principal Act, for the word "forfeited" the word "confiscated" shall be substituted.

9. Amendment of section 60 of Act XVI of 1927 :-

In section 60 of the principal Act, for the word "forfeiture" the word "confiscation" shall be substituted.

10. Amendment of section 61A of Act XVI of 1927 :-

In section 61A of the principal Act,-

(a) for sub-section (3), the following sub-section shall be substituted :-

"(3) Where any timber, sandalwood, firewood, charcoal or any other notified forest-produce, which is the property of the State Government, is seized under sub-section (1) of section 52, or any such forest-produce is produced before any authorised officer under sub-section (1) and he is satisfied that a forest-offence has been committed in respect of such forest-produce, notwithstanding whether or not a prosecution is instituted for the commission of such offence, such authorised officer shall order the forest-produce so seized to be taken charge of by a Forest-officer, and may order confiscation of all tools, boats, vehicles and cattles used in committing such offence.";

(b) in sub-section (4),-

(i) for clause (a), the following clause shall be substituted, namely :-

"(a) where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order sale of all confiscated tools, boats, vehicles and cattles.";

(ii) in clause (b),-

(1) the words "property or the" shall be deleted ;

(2) for the word "auction" the word "sale" shall be substituted.

11. Amendment of section 61B of ActXVI of 1927 :-

In section 61B of the principal Act,-

(a) in sub-section (1), the words "any timber, sandalwood, firewood, charcoal or any other notified forest-produce," shall be deleted ;

(b) after sub-section (2), the following sub-section shall be added, namely :-

"(3) When the offender or the owner of any tool, boat, vehicle or cattle seized under, sub-section (1) of section 52 is not known or cannot be found, and the authorised officer is satisfied that the same has been used in committing a forest-offence in respect of timber, fire-wood, sandalwood, charcoal or any other notified forest-produce which is the property of the State Government, notwithstanding anything contained in the foregoing provisions, the authorised officer may pass order in accordance with the provisions contained in section 61A :

Provided that, no such order shall be made until the expiration of a period of thirty days from the date of seizing such property or without hearing the person claiming any right thereto."

12. Substitution of section 61F of Act XVI of 1927 :-

For section 61F of the principal Act, the following section shall be substituted, namely :-

" 61F. When an order for confiscation of any property has been passed under section 61A or section 61C, and the period of limitation provided by section 61D for filing an appeal against such order has elapsed, and no such appeal has been preferred or when on such an appeal being preferred, the Appellate Court confirms such order in respect, of the whole or a portion of such property, such property or such portion thereof, or if it has been sold under section 58 or under clause (a) of sub-section (4) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances."

13. Amendment of section 61G of Act XVI of 1927 :-

In section 61G of the principal Act, for the word " offence " the words " forest-offence in respect of such property " shall be substituted.

14. Amendment of section 62 of Act XVI of 1927 :-

In section 62 of the principal Act, in sub-section (1), the words " or forfeiture " shall be deleted.

15. Amendment of section 65A of Act XVI of 1927 :-

In section 65A of the principal Act, in clause (b), for the words, figures, brackets and letters "Section 26, clauses (a), (b), (f), (g), (h) and (i) of sub-section (1)", the words, figures, brackets and

letters "Section 26, clauses (a), (b), (d), (f), (g), (h) and (i) of sub-section (1) and sub-section (4)" shall be substituted.

16. Insertion of new section 66A in Act XVI of 1927 :-

After section 66 of the principal Act, the following section shall be inserted, namely :-

"66A. Punsihment for abetment.

Whoever abets any forest-offence shall, if the offence abetted is committed in consequence of abetment, be punished with the same punishment as is provided for such offence."

17. Amendment of section 67 of Act XVI of 1927 :-

In section 67 of the principal Act, for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

18. Amendment of section 68 of Act XVI of 1927 :-

In section 68 of the principal Act,-

(a) in sub-section (1),-

(1) in clause (a),-

(i) after the words " other than an offence specified in " the words, brackets and figures " sub-section (4) of section 26 or " shall be inserted;

(ii) for the words " payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum of money," the words "payment of a sum of money " shall be substituted.

(2) in clause (b), for the words "on payment of, or at his discretion, on acceptance of an undertaking in writing to pay," the words " on payment of " shall be substituted.

(b) in sub-section (2), for the words " payment of, or on acceptance of an undertaking in writing to pay," the words " payment of, " shall be substituted.

(c) in sub-section (3), for the words " five hundred rupees " the words " five thousand rupees " shall be substituted.

19. Amendment of section 71 of Act XVI of 1927 :-

In section 71 of the principal Act,-

(a) for the words " ten rupees " the words " Two hundred rupees " shall be substituted ;

(b) for the words " two rupees " the words " Two hundred rupees " shall be substituted ;

(c) for the words " one rupee" the words " Two hundred rupees " shall be substituted ;

(d) for the words " fifty naye paise " the words " One hundred rupees " shall be substituted.

20. Amendment of section 82 of Act XVI of 1927 :-

In section 82 of the principal Act, the words and figures " or on account of compensation or value of property agreed to be paid under section 68 " shall be deleted.