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## **Orissa Preservation Of Private Forests Act, 1947**

**[14 March 1947]**

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## **Orissa Preservation Of Private Forests Act, 1947**

**[14 March 1947]**

An Act for Preservation of Private Forests in the State of Orissa. WHEREAS it is expedient to provide for the preservation of private forests and to prevent their indiscriminate destruction in the State of Orissa. It is hereby enacted as follows:-

### **1. Short Title, Extent, Commencement And Duration :-**

- (1) The Act may be called the Orissa Preservation of Private Forests Act, 1947.
- (2) It extends to the whole of the state of Orissa.
- (3) It shall come into force in such areas and from such date as the state Government may be notification, from time to time direct.
- (4) It shall cease to have effect on the expiration of a period of 24 years, except as respects things done or omitted to be done before the expiration thereof of a Section of the Orissa General Clauses Act of 1937, shall apply upon the expiry of this Act as if it had then been repealed by an Orissa Act.

### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context.

(a) Forest includes communal land containing trees and shrubs, land used for pasture and any class of land declared to be a forest by notification of the state Government but does not include -

(i) a reserved forest constituted under the provisions of the Madras Forest Act, V of 1882;

(ii) reserved and protected forests constituted or a forest placed under the protection at the request of owners under the provisions of the Indian Forest Act, XVI of 1927;

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 Madras Estates Land Act, 1 of 1908.

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

(c) forest produce has the meaning assigned to that in clause (4) of section 2 of the Indian Forest Act, XVI of 1927 as the case be.

### **3. Preservation Of Private Forests :-**

(1) (a) No owner of any forest shall without the previous sanction of the State Government or any officer authorized by them in this behalf, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest. Explanation - (a) Nothing in this clause shall be constituted 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.

(b) Any alienation made in contravention of clause (a) shall be null and void.

(2) No owner of any forest or, any person claiming under him, whether by virtue of a contract, license or any other transaction entered into before or after the commencement of this Act, shall without the previous permission of the State Government or any officer authorized by then in this behalf, cut trees or do any act likely to denude the forest or diminish in its utility as a forest:

Provided that nothing in this sub section shall apply 2[\*\*\*] or any act done for the usual or customary domestic purpose or making agricultural implements.

(3) The permission referred to in sub section (2) may be granted either in any particular case or generally with reference to a specified forest or in respect of class of trees there in.

(4) If the opinion of the State Government, it is necessary for the preservation of the forest they may, by notification prohibit or

regulate the doing of any act likely to be detrimental to the preservation of such forest.

#### **4. Appeals :-**

Any person aggrieved by an order under clause (a) of sub section 3 or under sub section 2 of that section made by an officer authorized by State Government in this behalf, in regard to the sanction or permission referred to in that clause or sub section may within 2 months of the receipt of such order prefer an appeal to the revenue commissioner or any other officer specially empowered by the State Government in this behalf. The officer shall pass such orders on the appeal as may think fit.

#### **5. Penalties :-**

(1) Who ever contravenes the provisions of sub section 2 of section 3 or any of the term of a notification under sub section 4 of that section shall be punishable for the first offence with fine which may extent to Rs. 2000 and for a second or subsequent offence with imprisonment which may extent to 2 years or with fine which may extent to 5000 rupees or with both.

(2) Notwithstanding anything contented in section 322 of the code of Criminal procedure, V of 1893, it shall be lawful for any magistrate of the first-class, specially empowered by the state government in this behalf, to impose a fine exceeding Rs. 1000.

#### **6. Bar Of Suits :-**

No order made under this act either by the state government or by an officer authorized by them and no notification issued by the government under sub section 4 Of section 3 shall be called in question in any court of law.

#### **7. Power To Make Rules :-**

(1) The State Government may make rules for carrying out the purpose of this act.

(2) Without prejudice to the generality of the fore going power such rules may provide for-

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

(b) The term and condition subject to which permissions may be granted;

(c) The procedure to be followed before granting permissions.

## **8. Repeal And Savings :-**

(1) The Orissa Preservation of Private Forest ordinance, IV of 1949, is hereby repealed.

(2) Any sanction or permission given, or any notification issued, and anything done under said ordinance and in force immediately before the commencement of this act shall continue in force and be deemed to be given, issued and done under the corresponding provisions of this act.

## **9. Power To Remove Difficulties :-**

If any difficulties arise 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.