

---

## **Tamil Nadu Preservation Of Private Forests Act, 1949**

**27 of 1949**

### CONTENTS

1. Short Title, Application And Commencement
2. Definition
- 2A. Constitution Of Committees
- 2B. Meetings Of Committees
- 2 C . Vacancy In Committee, Etc., Not To Invalidate Acts Or Proceedings
3. Preservation Of Private Forests
4. Appeals
5. Section 5
6. Power To Prohibit Or Regulate Certain Acts
- 6A. Applicability Of Chapter Vii Tamil Nadu V Of 1882
7. Penalties
8. Institution Of Prosecution
9. Bar Of Suits
10. Power To Make Rules
11. Section 11
12. Section 12
- 1 2 A . Publication Of Rules, Commencement Of Rules And Notifications And Placing Them Before The Legislature
13. Saving And Validation
14. Indemnity For Acts, Etc., Done After Expiry Of Madras Act Xviii Of 1946
15. Repeals

## **Tamil Nadu Preservation Of Private Forests Act, 1949**

**27 of 1949**

An Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes. Whereas it is necessary 1[...] to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein : It is hereby enacted as follows:-- 1. The words "pending further legislation" were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

### **1. Short Title, Application And Commencement :-**

1[(1) This Act may be called the 2[Tamil Nadu] Preservation of Private Forests Act, 1949.

(2) It applies--

[Clause (i) and the Explanation thereto were omitted by section 2(i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957)]

(ii) to forests situated in estates as defined in the 2[Tamil Nadu] Estate Land Act, 1908, in the 3[State of Tamil Nadu];

4(iii) to private forests situated in other areas in the 3[State of Tamil Nadu] and having a contiguous area exceeding 5[2 hectares] which may be declared by the District Collector to be forests for the purposes of this Act, by notification, in the District Gazette;

but does not apply to reserved forests constituted under the 2[Tamil Nadu] Forest Act, 1882 (2[Tamil Nadu] Act V of 1882), and lands at the disposal of the Government as defined in that Act.

6Explanation.--A private forest exceeding 7[2 hectares] in extent shall not cease to be such by reason only of the fact that, in a portion thereof, 8[trees, shrubs or reeds are felled or cut] with or without the permission of the 9[Committee] or lands are cultivated, or rocks, roads, tanks, rivers or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.

(3) It shall come into force at once. 10[... ]

[Sub-section (4) was omitted by section 4(iii) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965)].

This Act was extended to the added territories by section 12 of the Tamil Nadu Added (Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964), which was deemed to have come into force on the 3rd December 1960 repealing the corresponding law in force in those territories.

This Act was extended to the Shencottah taluk of the Tirunelveli district by section 10 of the Tamil Nadu (Transferred Territories) Extension of Laws Act, 1965 (Tamil Nadu Act 22 of the 1965) repealing the corresponding law in force in that taluk.

This Act was extended to the Kanyakumari district by section 3 of the Tamil Nadu Preservation of Private Forest (Extension to Kanyakumari District) Act, 1979 (Tamil Nadu Act 28 of 1979) repealing the corresponding law in force in that district.

Bihar Private Forests Act, 1948, is similar to that of this Act and it was held, within the legislative competence of the State

Legislature. The said Act not obnoxious to section 299(2) of the Government of India Act, 1935. [see *Guru Datta Sharma v. State of Bihar*, AIR 1961 SC 1684 ; [1962] 2 SCR 292 : ILR 41 Pat 47].

Land declared to be ryoti land and ryotwari patta issued under section 11 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act (26 of 1948). Notification issued under section 1 (2)(iii) by Collector declaring that land as private forest. Held that the notification being beyond the jurisdiction of Collector is invalid. The mere existence of shrubs and jungle by itself will not make the land as forest. [*Sirumalai Kanakasababathy Poonjolai Co. v. State of Tamil Nadu* [1980] 2 Mad LJ 202].

Notification under section 1(2)(iii) issued declaring certain land as private forest. No notice was issued to the owner of that land to show cause against it. The notification is liable to be set aside as violating principles of natural justice. [*Sirumalai Kanakasababathy Poonjolai Co. v. State of Tamil Nadu* [1980] 2 Mad LJ 202].

1. Substituted for the words "application, commencement and duration" by section 4(i), of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).
2. Substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.
3. Substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.
4. This clause was substituted for the Original clause (iii) by section 2(i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960).
5. The figures and word "12 hectares" were substituted for the figures and word "30 acres" by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979); and the figure and word "2 hectares" were substituted for the figures and word "12 hectares" by section 2(a) of the Tamil Nadu Preservation of Private Forest (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).
6. This Explanation was added by section 2(b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1954 (Tamil Nadu Act XVIII of 1954).
7. Substituted for the figures and word "100 acres", the figures and word "30 acres" were substituted by section 2(ii) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960). For the figures and word "30 acres" the

figures and word "12 hectares" were substituted by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979). The figure and word "2 hectares" were substituted for the figures and word "12 hectares" by section 2(b) of the Tamil Nadu Preservation of Private Forests (second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

8. Substituted for the words "trees or shrubs are felled" by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act 1965 (Tamil Nadu Act 12 of 1965).

9. Substituted for the words "District Collector" by section 2(b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

10. The life of this Act has been extended from time to time. See Madras Acts XXX of 1950 and XXX of 1951 and Tamil Nadu Act III of 1954, XXX of 1954, XXXV Of 1955, XV of 1957, 20 of 1959, 33 of 1961 and 23 of 1963; and this Act was made permanent by section 2 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965) The words, figures and letters "and shall remain in force up to and inclusive of the 2nd December 1965" were omitted by section 4(H) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

## **2. Definition :-**

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

1(a) "Committee" means any Committee constituted under section 2-A and having jurisdiction;

1(aa) "forest" includes waste or communal land containing 2[trees, shrubs and reeds], pasture land and any other class of land declared by the 3[State] Government to be a forest by notification 4[...].

5Explanation.--For the purposes of this clause, communal land means--

(i) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;

(ii) threshing-floor, cattle-stands, village-sites and other lands which are set apart for the common use of the villager);

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

Application for permit to cut trees from forest on allegation that applicants were owners thereof within section 2(b). The application was dismissed on the ground that escheat proceedings in respect of property were pending and applicants were not owners, lease in favour of their predecessors being made by persons having no title to property. The applicants contending that at any rate since they were in possession for 40 years, it should be assumed that they had rights to be in possession and that they would come within the definition of owner in section 2(b). It was held, that permit was rightly refused - Possession of applicants by itself created no right to possession and enjoyment of forest within the meaning of section 2(b) and unless applicants established that persons who executed lease in favour of their predecessors were owners it could not be said that they had right to possession and enjoyment of forest within the meaning of the term "owner in section 2(b). [[1966] Ker LR 599 ; [1966] Ker LJ 1089; [1968] Ker LT 1027].

( c ) "person" includes a Hindu undivided family, a Marumakkattayam tar-wad or tavazhi and an Aliyasantana family or branch;

It cannot be said that a member of a Nambudiri illom governed by the Madras Nambudiri Act is not a "person" within the meaning of the Madras Preservation of Private Forests Act, 1949 and that therefore the said Act does not apply to him on the ground that the Nambudiri family or illom is not included in the definition in section 2 of the said Act. [Public Prosecutor v. Kadamban Namboodiripad [1956] 2 MLJ 452].

6(d) "forest offence" means an offence punishable under this Act;

(e) the expressions "Forest-officer" "tree" "timber" "forest produce", "cattle", "Magistrate" and "imprisonment" shall have the meanings, respectively, assigned to them in section 2 of the 7[Tamil Nadu] Forest Act, 1882 (7[Tamil Nadu] Act V of 1882).

1. Original clause (a) was relettered as clause (aa) of that section and this clause was inserted by section 3 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

2. Substituted for the words "Trees and shrubs" by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).

3. Substituted for the word "Province" by the Adaptation of Laws order, 1950.

4. The words and letters "in the Forest St. George Gazette" were omitted by section 3 of the Tamil Nadu Preservation of Private

Forests (Amend.) Act, 1979 (Tamil Nadu Act 36 of 1979).

5. Substituted for the original Explanation by the section 10(2) of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1965, (Tamil Nadu Act 22 of 1965).

6. Clauses (d) and (e) were added by section 3 of the Tamil Nadu Private Forest (Amendment) Act, 1955 (Tamil Nadu Act XXXV of 1955).

7. Substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

## **2A. Constitution Of Committees :-**

1(1) The State Government may, by notification with effect from such date as may be specified therein, constitute for each district a committee for the purpose of this Act, consisting of the following members, namely:--

(a) the District Collector as Chairman of the committee;

(b) the District Forest Officer having jurisdiction over the district;

(c) the Tahsildar having jurisdiction over the area ;

(d) the Executive Engineer of the Agriculture Department in charge of soil conservation;

(e) the Personal Assistant (General) to the Collector of the district who shall be the Secretary of the Committee.

1. Sections 2-A, 2-B and 2-C were inserted by section 4 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

## **2B. Meetings Of Committees :-**

(1) The Committee may meet as often as may be necessary and shall, subject to the provision of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by the State Government under this Act, provided that not more than two months shall elapse between one meeting of the committee and another.

(2) The Chairman of the committee or in his absence any member nominated by him in that behalf shall preside at a meeting of the committee.

(3) All questions at a meeting of the committee shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman of the committee or in his absence the person presiding, shall have a second or casting vote.

## **2C. Vacancy In Committee, Etc., Not To Invalidate Acts Or Proceedings :-**

1 No act or proceeding of the committee shall be deemed to be invalid by reason only of the existence of any vacancy in the committee or any defect in the nomination of a member thereto or on the ground only that more than two months have elapsed between one meeting of the committee and another.

1. Sections 2-A, 2-B and 2-C were inserted by section 4 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

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

(1) (a) No owner of any forest shall, without the previous sanction of the 1[Committee] 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 2[trees, timber and reeds] in the usual or customary manner for a period not exceeding two years.

3(b) Any alienation in contravention of clause (c) shall be null and void--

(i) if the alienation is of any forest declared by 4[the District Collector] to be a forest under clause (iii) of section 1(2) or of any portion of such a forest, and is made on or after the date on which the declaration takes effect;

(ii) [Sub-clause (ii) was omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957)].

(iii) if the alienation is of any other forest or of any portion of such a forest, and is made on or after the 16th August 1946.

5(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 the Tamil Nadu Preservation of Private Forests Act, 1946 (Tamil Nadu Act XVIII of 1946), or any other person shall without the previous permission of the 6[Committee],--

(a) cut trees or reads; or

(b) 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 7[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.

Area transferred on permission under section should be excluded in computing surplus land under Kerala Land Reforms Act. [[1978] KLT 359].

Clearing of undergrowth and erection of shed, whether covered by

the phrase "as an act done for the usual or customary domestic purpose". The proviso to section 3(2) inter alia provided that nothing contained in sub-section (2) 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. The act of the accused a labourer of the estate in clearing the undergrowth on the borders of the estate and erecting a shed for the purpose of residing therein, cannot be placed beyond the pale of the phrase "as an act done for the usual or customary domestic purposes". [S. P. Naidu, In RE [1970] 1 Mad LJ 540 ; [1970] Mad LJ (Cr) 340].

Sub-section (2) of section 3 does not infringe article 19(1)(f) of the Constitution. The restriction thereunder is not absolute. [[1969] Ker LJ 795 ; [1970] Ker LT 171 ; [1970] Ker LR 338].

Where a system of permits and also proper control for enforcing the condition of those permits can be improvised, there is no reason why the Collector purporting to act under section 3(2) of the Act should prohibit Ponal kadu cultivation altogether as he had done in the case in question.

Section 3(1)(a) of the Madras Preservation of Private Forest Act does not contain any absolute prohibition. It allows for certain transactions to be sanctioned with the previous sanction of the Collector. This restriction can be viewed as reasonable where the provisions for the grant of previous sanction is enforced from the point of view of the public good visualised in the preamble to the Act, namely, preventing discriminate destruction of private forest and interference with the customary and prescriptive rights. But, where, in any given case the data show that the power under section 3(1)(a) had been exercised arbitrarily or capriciously, it will be a proper case for striking down the order and for a direction that the application for sanction be considered on merits and in the light of relevant principles. [P. M. Chinnayya Kurumba Gounder v. State of Madras [1968] 2 MLJ 383].

Felling of trees from forest in Agamalavaram. Felling of trees done under clear felling method contemplated by Madras Act (XXVII of 1949). Held, income received from such felling was revenue income and not capital income. [[1966] Ker LT 881].

The Madras Preservation of Private Forests Act is a temporary Act. Its policy is to prevent the indiscriminate destruction of private forests and interference with the customary rights of others for a temporary period. The machinery provided for carrying it out is germane to that object. The prevention of the cutting of the trees during the temporary period without affecting the customary rights

of the land holder is not a restriction in excess of the object to be achieved, and the conferment of quasi-judicial power on a responsible officer like the Collector subject to a right of appeal to the State Government, having regard to the circumstances of the case is not a conferment of an arbitrary or capricious power. Hence, the restriction in section 3(2) of the Madras Act (XXVII of 1949) did not infringe article 19(ii) of the Constitution. [V. K. Balarama Cheety v. State of Madras (now A. P.) [1957] 2 Andh. WR 272 ; [1957] Andh. LT 735 ; ILR [1957] AP 580 ; AIR 1958 AP 93].

In considering the constitutional validity of section 3(2) of the Madras Preservation of Forest Act, 1949, the Court must take the conditions that were obtaining at the time the Act was passed and not the subsequent events. [V. K. Balarama Cheety v. State of Madras (now A. P.) [1957] 2 ANDH. WR 272 ; [1957] ANDH.LT 735 ; ILR [1957] AP 580 ; AIR 1958 AP 93].

1. This word was substituted for the words "District Collector" by section 5(a) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

2. These words were substituted for the words "trees, and timber" by section 4(i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).

3. This clause was substituted for the original clause (b) by the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1954 (Tamil Nadu Act XVIII of 1954).

4. Substituted for the words "the State Government" by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960).

5. Substituted by section 4 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979), the words "cut trees" by section 4(ii) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965)

6. Substituted for the words "District Collector" by section 5(a) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

7. Substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

#### **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 1[State] Government. The 1[State] Government shall pass such orders on the appeal as they may think fit.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

## **5. Section 5 :-**

[The words "the District Collector" occurring in the Explanation to sub-section (1) of section 5 were substituted for the words "the State Government" by section 4 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960). Section 5 itself was omitted by section 5 of the Tamil Nadu Preservation Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).]

## **6. Power To Prohibit Or Regulate Certain Acts :-**

If, in the opinion of the 1[State] Government, it is necessary for the preservation of a forest or forests they may by notification 2[...],--

(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 prescriptive rights in such forest or forests.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

2. The words and letters "in the Forest St. George Gazette" were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amend.) Act, 1979 (Tamil Nadu Act 36 of 1979).

## **6A. Applicability Of Chapter Vii Tamil Nadu V Of 1882 :-**

1The provisions of Chapter VII of the 2[Tamil Nadu] Forest Act, 1882(2[Tamil Nadu] Act V of 1882), shall apply to offence punishable under this Act, subject to the following modifications namely:--

(i) in section 41, the proviso shall be omitted :

(ii) in section 42, after the words "the Magistrate shall", the expression "subject to the provisions of section 8 of the 4[Tamil Nadu] Preservation of Private Forest Act, 1949" shall be inserted;

(iii) in section 44, the words "shall, if it is the property of the Central or State Government or has been confiscated, be taken possession of by or under the authority of the District Forest Officer; and in any other case" shall be omitted.

(iv) in section 45 and 49, for the words "the District Forest Officer", the words "the

3[committee]" shall be substituted;

(v) in section 50--

(a) clause (a) shall be omitted;

(b) in clause (c), the word "or" occurring at the end shall be omitted ; and

(c) clause (d) shall be omitted;

(vi) Section 56 shall be omitted.

1 . Inserted by section 4 of the Tamil Nadu Preservation of Private Forest (Amendment) Act, 1955 (Tamil Nadu Act XXXV of 1955).

2. Substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 19(39, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

3. Substituted for the words "District Collector" by section 5(a) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

## **7. Penalties :-**

1Whoever contravenes--

(a) the provisions of sub-section (1) or sub-section (2) of section 3, or

(b) any of the terms or conditions subject to which permission is granted under sub-section (2) of section 3, or

(c) 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.

1. Substituted for original section 7 by section 6 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

## **8. Institution Of Prosecution :-**

No prosecution shall be instituted against any person without the sanction of the 1[Committee].

1. Substituted for the words "District Collector" by section 5(a) of the Tamil Nadu Preservation of Private Forests (2nd Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

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

No order of the 2[State] Government or the 1[committee] under this Act and no notification issued by the 2[State] Government under section 6 shall be liable to be questioned in any Court of law.

1. Substituted for the words "District Collector" by section 5(a) of the Tamil Nadu Preservation of Private Forests (2nd Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

(1) The 1[State] Government may 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 permission may be granted; 2(bb) the deposit of such sum, if any, as may be specified in the rules as security for the due performance of the terms and conditions subject to which permission is granted under sub-section (2) of section 3, the forfeiture of the sum so deposited or any part thereof for contravention of any such term or condition and the adjudication of such forfeiture by such authority as may be specified in the rules;

(c) the procedure to be followed by the 3[committee] before granting permissions.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. Inserted by section 7 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

## **11. Section 11 :-**

[This section was omitted by section 5 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965)]

## **12. Section 12 :-**

[This section was omitted by section 8 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979)].

## **12A. Publication Of Rules, Commencement Of Rules And Notifications And Placing Them Before The Legislature :-**

1[2(1) (a) All rules made under this Act, 3[...] shall be published in the 4[Tamil Nadu Government Gazette] and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are published.

(b) All notification issued under this Act shall unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(2) 5[Every rule made or notification issued under this Act], shall as soon as

possible after it is made 6[or issued] be placed on the Table of 7[the Legislative Assembly] and if before the expiry of the session in which it is so placed or the next session, 8[the Legislative Assembly agrees] in making any modification in any such rule or 1[notification] or 8[the Legislative Assembly agrees] that the rule or 9[notification] should not be made 10[or issued], the rule or 9[notification] shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or 9[notification].

1. Substituted for the marginal heading "Rules and orders to be placed before the Legislature" by section 9(1) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

2. Inserted by section 5 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).

3. The words and figures "and all orders made under section 12" were omitted by section 9(2)(a) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

4. Substituted for the words and letters "Fort St: George Gazette" by section 9(2) (b) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

5. Substituted for the words and figures "Every rule under this Act, and every order made under section 12" by section 9(3)(a), *ibid*.

6. Inserted by section 9(3)(b), *ibid*.

7. Substituted for the words "both Houses of the Legislature" by Tamil Nadu Adaptation of Laws Order, 1987.

8. Substituted for the words "both Houses agree" by *ibid*.

9. Substituted for the word "order" by section 9(3)(c) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

10. Inserted by section (3)(d), *ibid*.

### **13. Saving And Validation :-**

(1) Any rule or order made or purporting to have been made, any notification issued or purporting to have been issued, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken or anything done or purporting to have been done--

(a) under any provision of the Madras Preservation of Private Forest Act, 1946 (Madras Act XVIII of 1946) (hereinafter in this section and in section 14 referred to as the said Act) and in force immediately before the 3rd December 1948, or

(b) on or after the 3rd December 1948, under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the Tamil Nadu Preservation of Private Forest Ordinance, 1949 (Madras Ordinance VIII of 1949) (hereinafter in this section referred to as the said Ordinance), shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that the said Act was in force at the relevant

time or under the said Ordinance, be deemed to be a rule or order made, notification issued, decision or direction given, action or proceeding taken or thing done under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, any punishment awarded or purporting to have been awarded and any prosecution commenced or purporting to have been commenced--

(a) under any provision of the said Act before the 3rd December 1948, or

(b) on or after the 3rd December 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the said Ordinance, shall be deemed to have been incurred or commenced under the corresponding provision of this Act.

#### **14. Indemnity For Acts, Etc., Done After Expiry Of Madras Act Xviii Of 1946 :-**

(1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the 1[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 exercise of any jurisdiction or power purporting to have been conferred on him by the said Act, or

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

(2) No suit or other legal proceeding shall lie against the 1[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 the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force by the relevant time.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

#### **15. Repeals :-**

The Tamil Nadu Preservation of Private Forests Act, 1946 (Madras Act XVII of 1946) and the Madras Preservation of Private Forests Ordinance, 1949 (Madras Ordinance VIII of 1946) are hereby repealed.

