

ORISSA ACT 12 OF 2003

THE ORISSA FOREST (AMENDMENT) ACT, 2000

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***THE ORISSA FOREST (AMENDMENT) ACT, 2000
(ORISSA ACT 12 OF 2003)**

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AN ACT FURTHER TO AMEND THE ORISSA FOREST ACT, 1972

BE it enacted by the Legislature of the State of Orissa in the Fifty-second Year of the Republic of India as follows :—

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|--------------------------|---|------------------------|
| Short title. | 1. This Act may be called the Orissa Forest (Amendment) Act, 2001. | |
| Amendment of section 2. | 2. In section 2 of the Orissa Forest Act, 1972 (hereinafter referred to as the principal Act),— | Orissa Act 14 of 1972. |
| | (a) clauses (b), (c), (d) and (j) shall be omitted ; and | |
| | (b) for clause (f), the following clause shall be substituted, namely :— | |
| | “ (f) ‘forest officer’ means— | |
| | (i) any person whom the State Government or any officer empowered by the State Government in this behalf may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a forest officer, and who may be designated as Principal Chief Conservator of Forests, Additional Principal Chief Conservator of Forests, Chief Conservator of Forests, Conservator of Forests, Deputy Conservator of Forests or Divisional Forest Officer, Working Plan Officer, Silviculturist, Assistant Conservator of Forests, Forest Range Officer, Deputy Ranger or Forester ; and | |
| | (ii) such other persons who are notified by the State Government to perform all or any of the functions of a forest officer under this Act or any rule or order made thereunder, but does not include Forest Settlement Officer ;”. | |
| Amendment of section 27. | 3. In section 27 of the principal Act,— | |
| | (a) in sub-section (1),— | |
| | (i) for clauses (b) and (c), the following clause shall be substituted, namely :— | |
| | “(b) sets fire to a forest land in respect of which a notification under section 4 has been issued, or kindles any fire or leaves any fire burning in such forest land in such manner as to endanger the forest land, or fells, girdles, lops any tree or strips off the bark or leaves from any tree in such land, or otherwise damages the same or causes damage to any forest produce in such land, or quarries stone, burns lime or charcoal or subjects to manufacturing process any forest produce in such land, or collects or removes any forest produce from such land, in contravention of any rule;” and | |

(ii) in the concluding portion, for the words "six months and with fine which may extend to five hundred rupees", the words "one year and with fine which may extend to one thousand rupees" shall be substituted ;

(b) for the concluding portion of sub-section (2), the following shall be substituted, namely :-

"shall be punishable with fine which may extend to-

(i) one thousand rupees for an offence under clause (a) ; and

(ii) two thousand rupees for an offence under clause (b), in addition to such compensation for the damage done to the forest, which in no case shall be less than the value of the property damaged, as the convicting court may direct to be paid.;"

(c) in sub-section (3),-

(i) in the opening portion, after the words "Any person", the words "who sets fire to a reserved forest or " shall be inserted ;

(ii) in clause (a), for the word and comma "fells," occurring at the beginning, the words and commas "kindless," "keeps or carries any fire or fells," shall be substituted ; and

(iii) in the concluding portion, for the words "which may extend to two years and with fine which may extend to five thousand rupees", the words "which shall not be less than three years but may extend to seven years and with fine which may extend to ten thousand rupees" shall be substituted ; and

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

"(4) When a person is convicted for an offence under clause (a) of sub-section (1), the Court shall order eviction of the offender from the land in relation to which the offence has been committed and, on such order being made, all sheds or structures on such land shall be demolished and if the Court so orders, the crop, if any, standing on the land shall be seized and confiscated to the State Government."

Amendment
of section
46.

4. In section 46 of the principal Act,-

(a) in sub-section (1), for the words "one year and with fine which may extend to one thousand rupees", the words "five years and with fine which may extend to five thousand rupees" shall be substituted ; and

(b) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) Such rules may provide that where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence, the offender shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to ten thousand rupees."

Amendment
of section
55-C.

5. In section 55-C of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and with fine which may extend to ten thousand rupees.”

Amendment
of section
55-E.

6. In section 55-E of the principal Act, for the words “which may extend to three years”, the words “which shall not be less than three years but may extend to seven years” shall be substituted.

Amendment
of section
56-AA.

7. In section 55-AA of the principal Act, for the words and figure “of section 27”, the words, brackets and figures “or sub-section (3) of section 27 or sub-section (2) of section 46 or section 55-C or section 55-E or section 67” shall be substituted.

Amendment
of section
56.

8. In section 56 of the principal Act,—

(a) in sub-section (2), after the words “offence compounded”, the words and figure “under section 72” shall be inserted ;

(b) in sub-section (2-a) for the words “he may” the words “he shall” shall be substituted ; and

(c) to sub-section (3), the following proviso shall be added, namely :—

“Provided that the seized property shall not be released during pendency of the confiscation proceeding or trial even on the application of the owner of the property for such release.”

Omission of
section 57.

9. section 57 of the principal Act shall be omitted.

Amendment
of section
65.

10. In section 65 of the principal Act,—

(a) for the words and figures “section 494 of the Code of Criminal Procedure, 1898”, the words and figures “section 321 of the Code of Criminal Procedure, 1973” shall be substituted ; and

(b) for the marginal reference “5 of 1898”, the marginal reference “2 of 1974” shall be substituted.

Amendment
of section
66.

11. In section 66 of the principal Act, after the words and figure “under section 68”, the words and figure “for kindling, keeping or carrying any fire in the reserved forest, or for kindling any fire or leaving any fire burning in any forest land notified under section 4, or for any other forest offence” shall be inserted.

Amendment
of section
67.

12. In section 67 of the principal Act, for the words “which may extend to three years and with fine”, the words “which shall not be less than three years but may extend to seven years and with fine which may extend to ten thousand rupees” shall be substituted.

Amendment
of sections
71 and 77.

13. In section 71 and in clause (c) of sub-section (1) of section 77 of the principal Act,—

(a) for the figure “1898”, the figure “1973” shall be substituted; and

(b) for the marginal references “5 of 1898” and “45 of 1898” the marginal reference “2 of 1974” shall be substituted.

Amendment of section 79.

Protection of action taken in good faith and cognizance of offence.

14. For section 79 of the principal Act including its marginal heading, the following section shall be substituted, namely :-

"79. (1) No suit, prosecution or other legal proceeding shall lie against any forest officer for anything done or omitted to be done by him in good faith under this Act or the rules or orders made thereunder.

(2) No Court shall take cognizance of any offence alleged to have been committed by any forest officer while acting or purporting to act in the discharge of his duties under or in pursuance of the provisions of this Act or the rules or orders made thereunder, except with the previous sanction of State Government :

Provided that if the sanction or otherwise under this sub-section is not communicated within six months from the date the application for that purpose is made, it shall be deemed that the State Government has accorded the required sanction."