

The Indian Forest (Tripura Second amendment) Act, 1986 (Amendment of Section 52 of the Principal Act).

GOVERNMENT OF TRIPURA

LAW DEPARTMENT

THE INDIAN FOREST

(Tripura Second Amendment)

ACT, 1986

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GOVERNMENT OF TRIPURA

LAW DEPARTMENT

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Dated Agartala

The following Act of the Tripura Legislative Assembly received assent of the President on 4.4.1987 and is hereby published for general information

Tripura Act, No.8 of 1987

Indian Forest (Tripura Second Amendment) Act, 1986

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ACT

Further to amend the Indian Forest Act, 1927 in its application to the State of Tripura. WHEREAS is expedient further to amend the Indian Forest Act, 1927 (16 of 1927) in its application to the State of Tripura, for the purposes and in the manner hereinafter appearing:

It is hereby enacted in the Thirty Seventh year of the Republic of India, by the legislature of Tripura, as follows:

Short title and commencement	1	1 2	This Act may be called the Indian Forest (Tripura SecondAmendment) Act, 1986 It shall come into force at once
Application	2		The Indian Forest Act, 1927 (hereinafter referred to as principal Act) shall in its application to the State of Tripura be amended for the purposes and in the manner hereinafter provided.
Insertion of new section	3		After Section 52 of the Principal Act, the following new section shall be inserted, namely:
Confiscation 52A of saw mill etc.		1	Where a Saw Mill is established, maintained or operated without a licence or without renewal of a licence the authorised officer may order confiscation of the stock of wood together with whole or portion of the plants, machinery, implements, tools and equipments of the Saw Mill.
		2	Where the authorised officer seizes under sub-section (I) of Section 52 any forest produce or where any such property is produced before the authorised officer after seizure by any Forest Officer and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, equipments, ropes, chains, boats, carts, vehicles and cattle used in committing such offence.
		3	No order confiscating any property shall be made under subsection (I) or Sub-section (2) unless the person from whom the property is seized and in case the owner of such property is known, such person is given:
		a	a notice in writing informing him the grounds

			on which it is proposed to confiscate such property;
		b	an opportunity of making representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation; and
		c	a reasonable opportunity of being heard in the matter.
		4	<p>Any Forest Officer not below the rank of Conservator of Forests empowered by the State Government in this behalf by notification, may within 30 days from the date of order of confiscation by the authorised officer under sub-section (1) or sub section (2) either sub-moto or on application, call for an examine the records of that order and may make such inquiry or cause such inquiry to be made and pass orders as he maythink fit.</p> <p>Provided that no order prejudicial to any person shall be passed without giving him an opportunity of being heard.</p>
		3	<p>Any persons aggrieved by an order passed under sub-sections (1), (2) or (4) may within thirty days from the date of communication to him of such order, appeal to the District Court having jurisdiction over the area in which the property has been seized and the District Court shall after giving an opportunity to the parties to be heard; pass such order as it may think fit and the order of the District Court so passed shall be final. Where an order of confiscation of any property passed under sub-section (1) or sub-section (2) or sub-section (4) has become final in respect of the whole or any portion of such property; such property or the portion there of; as the case may be shall vest in the State Government free from all encumbrances.</p>
Explanation			For the purposes of this section authorised officer means an officer not below the rank of Assistant Conservator of Forest authorised by the State Government by notification”

S.R. Sinha
Deputy Secretary, Law