

**PUNJAB GOVERNMENT GAZETTE  
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LEGISLATIVE SUPPLEMENT

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PART -I  
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS

PUNJAB

Notification

The 26th October, 2004

No. 32-Leg./2004-- The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 25th September, 2004 and is hereby published for general information:-

THE INDIAN FOREST (PUNJAB AMENDMENT) ACT, 2004

(Punjab Act No. 21 of 2004)

AN

ACT

Further to amend the Indian Forest Act, 1927, in its application to the State of Punjab.

Be it enacted by the Legislature of the State of Punjab in the Fifty-fifth year of Republic of India as follows:-

1. (1) This Act may be called the Indian Forest (Punjab Amendment) Act, 2004.  
(2) It shall come into force at once.
2. In the Indian Forest Act, 1927, in its application to the State of Punjab (hereinafter referred to as the principal Act), in section 26, in sub-section(I),--
  - (i) In clause (e), for the word "dragging", the words "dragging or removing" shall be substituted:
  - (ii) In clause (f), for the words "the same", the words "the same or any forest produce" shall be substituted: and

Short title and commencement

Amendment of section 26 of Central Act 16 of 1927.

- (iii) for the words "six months, or with fine which may extend to five hundred rupees", the words "two years, or with fine which may extend to five thousand rupees" shall be substituted.
3. In the principal Act, in section 33, in sub-section (I),--
- (i) In clause (f), for the word "drags", the words "drags or removes" shall be substituted: and
- (ii) For the words "six months, or with fine which may extend to five hundred rupees or with both" the words "two years, or with fine which may extend to five thousand rupees, or with both" shall be substituted.
4. In the principal Act, in section 42, in sub-section (i), for the words and signs "six months, or fine which may extend to five hundred rupees, or both.", the words and signs "two years, or fine which may extend to five thousand rupees, or with both." shall be substituted.
5. In the principal Act, in section 52, for sub-section (2) the following sub-sections shall be substituted, namely:-
- (2) If a forest officer or police officer, has reason to believe that a vehicle has been, or is being used for the transport of forest-produce in respect of which there is reason to believe that a forest offence has been committed or is being committed, require the driver or any other person in-charge of such vehicle to stop the vehicle or cause such vehicle to remain stationary as long as may, reasonably be necessary, for examination of the contents in the vehicle and inspection of the records relating to the forest-produce, in possession of such driver or other person in-charge of the vehicle or any other person in the vehicle.
- (3) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been seized and shall, as soon as may be, either,--

Amendment of  
section 26 of  
Central Act 16 of  
1927.

- (d) Produce such property before an officer, not below the rank of the Divisional Forest Officer concerned, authorized by the State Government in this behalf by notification in the Official Gazette (hereinafter referred to as the Authorized Officer, shall make a report of such seizure to the Authorized Officer: or
- (c) Where it is intended to launch criminal proceeding against the offender immediately, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which, the seizure has been made:

Provided that it shall not be necessary to make a report of such seizure to the Magistrate in the following cases, namely:-

- (i) When the forest produce with respect to which, such offence is believed to have been committed, is the property of the State Government and the offender is unknown. In such a situation, it shall be sufficient to make a report of the circumstances to the Authorised Officer:
- (ii) When the offender agrees in writing to get the offence compounded as provided in section 68 of this act: and
- (iii) When the offence falls under the purview of Section 52-A".

6. In the principal Act, after section 52, the following sections shall be inserted, namely:-

52-A

Procedure for  
confiscation.

(I) Where the Authorised Officer upon production before him of the property seized or upon receipt of report about seizure of such property, or where the Authorised Officer himself seized the property under sub-section (I), of

Insertion of new  
sections 52-A, 52-  
B, 52-C, 52-D,  
52-E, 52-F and  
52-G in Central  
Act, 16 of 1927

Section 52, is satisfied that a forest offence has been committed in respect thereof, may by order in writing for reason to be recorded in writing, confiscate the forest produce so seized together with any tool, vehicle, boat, rope, chain or any other article used in committing such offence.

- (2) A copy of the order of confiscation, shall be forwarded without any delay to the Conservator of Forests of the forest circle in which the forest produce has been seized.
- (3) No order of confiscating any property, shall be made under sub-section (1), unless the Authorised Officer--
  - (a) Issues a notice in writing to the person from whom the property is seized and to any other person, who shall claim before the Authorised Officer any interest in such property.
  - (b) affords an opportunity to the person referred to in clause (a) of making a representation within such time, as may be specified in the notice referred to in that clause: and
  - (c) gives the officer effecting the seizure and the person to whom notice has been issued under clause (a), a hearing on such date, as may be fixed in this regard.
- (4) No order of confiscation under sub-section (I) with regard to any tool, vehicle, boat, rope, chain or any other article (other than timber or forest-produce seized), shall be made, if the person referred to in clause (a) of sub-section (3) proves to the satisfaction of the Authorised Officer that any such tool, article, boat, rope, chain or other article was used without his knowledge or connivance or his servant or agent and that all reasonable and necessary precautions had been taken against the use of aforesaid object for the commission of the forest offence.
- (5) No order of confiscating a vehicle shall be made except after giving a notice in writing to the registered owner of the vehicle and his

financer, if any, if, in the opinion of the Authorised Officer, It is paracticable to do so and considering his objections, if any.

52-B (1) Any person aggrieved by an order of confiscation made under sub section (1) of section 52-A, may within a period of thirty days from the date of receipt of such order, prefer an appeal on payment of such fee, as may be prescribed alongwith the certified copy of order of confiscation to the conservator of Forest (hereinafter referred to as the Appellate Authority having jurisdiction.

Appeal against  
the order of  
confiscation .

(2) The appellate Authority may pass such order of interim nature for custody, preservation or disposal (if necessary) about the subject-matter of confiscation, as may appear to be just or proper in the circumstances of the case.

(3) Nowwithstanding anything contained in sub-section(1), if no appeal has been preferred before the Appellate Authority, but the Appellate Authority deems it appropriate in public interest to proceed against the order passed under sub-section (1) of section 52-A, it may suo moto take congizance even after the expiry of a period of sixty days from the date of receipt of the said order and pass such order, as it may deem appropriate:

Provided that before passing any order, the Appellate Authority shall give an oppportunity of being heard to the concerned parties.

(4) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to the represented by legal practitioners.

Revision.

52-C (1) Any party aggrieved by an order of the Appellate Authority, may within a period of thirty days from the date of receipt of order of the Appellate Authority, file revision petition to the Court of sessions.

Disposal of  
confiscated  
property.

(2) The order passed by the Court of Sessions shall be final and shall not be further called in question before any other Court.

52-D. When the order of confiscation of property passed under sub-section (1) of section 52-A, attains finality and the Authorised Officer is of the opinion that it is expedient in public interest so to do, he may order such, property or any thereof to be sold by public auction.

Penalty for  
forcibly  
opposing  
seizure.

52-E. Whoever forcibly opposes the seizure of any forest produce, tool, rope, chain, boat, vehicle or cattle, liable to be seized under this Act, or receives the same after seizure, shall be punishable with imprisonment for a term, which may extend or with fine which may extend to one thousand rupees, or with both.

Order of  
Confiscation not  
to prevent any  
other punishment.

52-F No order of confiscation passed under section 52-A, 52-B, or 52-C, shall prevent the infliction of any punishment to which the person affected thereby, may be liable under this act.

52-G Save as otherwise expressly provided in this Act, no officer, authority, civil court or tribunal shall have any jurisdiction to entertain any suit or proceeding or any other matter which is governed under the provision of this Act."

7. In the principal Act, for section 60, the following section shall be substituted, namely:-

Substitution of  
section 60 of  
Central Act 16 of  
1927

60. When an order for confiscation for any property has been passed under section 52-A or section 52-B, or section 52-C, as the case may be, and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, if it has been sold under section 52-D, the sale proceeds thereof shall vest in the State Government free from all encumbrances".

8. In the principal Act, in section 62, for the words "six months, or with fine which may extend to five hundred rupees, or with both". the words "two years, or with fine which may extend to five thousand rupees, or with both." shall be substituted.

Amendment of  
section 62 of  
Central Act 16 of  
1927.

9. In the principal Act, after section 66, the following sections shall be interested, namely:-

66-A Any Forest Officer, not below the rank of the Divisional Forest officer, if he has reason to believe that encroachment of the State Government forest land has been made, may evict the encroachment and may use all the powers conferred on an Executive Magistrate under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (Punjab Act, No. 31 of 1973).

66-B. (1) Whoever abets any offence punishable under this Act, shall if the offence abetted is committed in consequence of such abetment, be punished with the same punishment as is provided under this Act for the commission of such offence.

(2) Whoever abets any offence punishable under this Act, shall if the offence abetted is not committed in consequence of such abetment, be punished with half of the punishment provided for the commission of such offence under this Act."

10. In the principal Act, for section 67, the following section shall be substituted, namely:-

67. The Chief Judicial Magistrate or any other Judicial Magistrate of the First class specially empowered in this behalf by the High Court, may try summarily, under the Code of Criminal procedure, 1973, any forest offence punishable with imprisonment for a term, not exceeding two years or with fine, not exceeding five thousand rupees or with both and the provisions of section 262 to 265 of the said code shall apply to such trial: but not withstanding anything contained in the said Code, in the case of conviction for any offence in summary trial under this section, the Magistrate may pass sentence of imprisonment for any term for which such offence is punishable under this Act."

Substitution of  
section 67 of  
Central Act 16 of  
1927

Amendment of  
section 68 of  
Central Act 16 of  
1927



11. In the principal Act, in section 68, for sub-section (3) the following sub-section shall be substituted, namely:-

(3) A Forest officer, not below the rank of the Divisional Forest Officer, shall be empowered under this section. The sum of money accepted as compensation under clause (a) of sub-section (1), shall, in no case exceed the sum of five thousand rupees.

Explanation: For the purpose of Compounding an offence under this section, it is clarified that illicity felling of every tree shall be treated as a separate offence".

12. In the principal Act, in section 71, for the words "ten rupees", two rupees", one rupee and eight annas the words two hundred and fifty rupees", twenty five rupees:" ten rupees" and five rupees' shall, respectively, be substituted.

Amendment of section 71 of Central Act 16 of 1927

13. In the principal Act, in section 72 in sub-section (1) for clause (a), the following clause shall be substituted namely,

Amendment of section 72 of Central Act 16 of 1927

(a) power to enter upon, alongwith the persons assisting such forest officer in the performance of his duties any land and to survey, demarcate and make a map of such land.

14. In the principal Act, for section 74, the following section shall be substituted, namely:-

Amendment of section 74 of Central Act 16 of 1927

74. (I) No suit or prosecution or any other legal proceedings, shall lie against any public servant for anything done by him in good faith under this Act.

(2) No court shall take cognizance of any offence alleged to have been committed by a forest officer while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the State Government."

15. In the principal Act, in section 77, for the words one month, or fine which may extend to five hundred rupees, or both the words six months,

indemnity for acts done is good faith.

or fine which may extend to two thousand rupees, or with both" shall be substituted.

16. In the principal Act, in section 79, in sub-section (2) for the words one month or with fine which may extend to two hundred rupees, or with both", the words six months or with fine which may extend to two thousand rupees, or with both shall be substituted.

Amendment of  
section 79 of  
Central Act 16 of  
1927

M.M. AGGARWAL

Secretary to Government of Punjab,  
Department of Legal Legislative Affairs.