



THE ANDHRA PRADESH GAZETTE

PART-I EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 217

HYDERABAD, WEDNESDAY, MAY25, 2016.

NOTIFICATIONS BY GOVERNMENT

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ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY DEPARTMENT

(Section-II)

**COMMENCEMENT OF THE ANDHRA PRADESH FOREST (AMENDMENT)
ACT, 2016**

**(A.P. ACT No. 15 OF 2016)
(GO.Ms.No. 49, E.F.S.T, Dt: 25th, May, 2016)**

NOTIFICATION

In exercise of the powers conferred by sub-section(2) of section 1 of the Andhra Pradesh Forest (Amendment) Act, 2016 (A.P. Act No. 15 of 2016), the Governor of Andhra Pradesh hereby appoints the 25th May, 2016 as the date on which the provisions of the said Act shall come into force.

**ASWINI KUMAR PARIDA,
*Special Chief Secretary to Government,.***



THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 15

HYDERABAD, THURSDAY, MAY 19, 2016.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS ETC.,

The following Act of the Andhra Pradesh Legislature which was reserved by the Governor on the 7th April, 2016 for the consideration and assent of the President received the assent of the President on the 17th May, 2016 and the said assent is hereby first published on the 19th May in Andhra Pradesh Gazette for general information..

ACT NO. 156 OF 20156.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH FOREST ACT,
1967.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty
Seventh year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Forest(Amendment) Act, 2016.
(2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.
2. In the Andhra Pradesh Forest Act, 1967(hereinafter referred to as the principal Act), in section2,-
 - (a) the existing clause (a) shall be renumbered as clause(aa) thereof;

**Amendment of section 2,
Act No. 1 of 1967.**

(b) before clause(aa) so renumbered, the following clause shall be inserted, namely:-

“(a) ‘associate’ means in relation to person whose property is liable to be forfeited under this Act, and includes,-

- i. any individual who had been or is managing the affairs or keeping the accounts of such person;
- ii. any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 20136 of which such person had been or is a member, partner or director;
- iii. any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or Director of such association, body, partnership firm or private company;
- iv. any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause(iii);
- v. the trustee of any trust, where,-
 - (1) the trust has been created by such person’ or
 - (2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date of which contribution is made, to not less than twenty percent of the value of the assets of the trust on that date;

(C) after clause (aa); the following clause shall be inserted, namely:-

“(ab) ‘competent authority’ means an officer authorized by Government in this behalf not below the rank of the Chief Conservator of Forests to perform the functions assigned to him in respect of such persons or classes as may be prescribed who have illegally acquired properties by trade in Sandal wood or Red Sanders wood or Scheduled tree.”;

(d) for clause (b), the following shall be substituted, namely,-

“(b) ‘Court’ means the Principal Civil Court, the Court of Assistant Sessions Judge/Additional Session Judge of original jurisdiction and also includes a Special court headed by a Magistrate constituted by the Government for trial of forest offences.”;

(e) in clause (f), for sub-clause (i), the following shall be substituted, namely,-

“(i) to be the Principal Chief Conservator of Forests, Special Principal of Forests, Chief Conservator of Forests, Additional Principal Chief Conservator of Forests, Chief Conservator of Forests, Conservator, Deputy Conservator, Assistant Conservator, Divisional Forest Officer, Sub-Divisional Forest Officer, Ranger, Deputy Ranger, Forester of Forest Section Officer, Forest Guard or Forest Beat officer, Assistant Beat Officer, Thanadar, Checking Officer or Plantation Watcher or any other person or authority as may be notified.”;

(f) after clause (h), the following new clause shall be inserted, namely,-

“(hh) ‘illegally acquitted property’ means in relation to any person to whom this Act applies:-

(i) any property acquitted by such person, wholly or partly out of or by means of any income earnings or assets derived or obtained from or attributable to illegally acquitted sandal wood or Red Sanders wood or Scheduled Tree;

(ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property, and includes,-

(a) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holder is or was a transferee in good faith for adequate consideration;

(b) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property falling under item (a), or the income or earnings therefrom;

Explanation:- for the purpose of this clause, “property” means property and assets of every description, whether corporeal or incorporeal, movable or

immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegally acquired Sandal wood or Red Sanders wood or Scheduled Tree;”;

(g) for clause (i), the following shall be substituted, namely,-

“(i) ‘Magistrate’ means a Magistrate having jurisdiction to try forest offences and includes the Assistant Sessions Judge/Additional Sessions Judge of a District Court having jurisdiction;”;

(h) for clause (m), the following shall be substituted, namely;-

“(m) ‘Red Sanders Wood’ means the wood derived out of any part of the tree known by its Botanical name as “*Pterocarpussantalinus*”. and includes chips, dust of powder or such wood or articles converted into any other form or any extract derived therefrom.”

(i) after clause ®, the following clause shall be added, namely,-

“(s) ‘scheduled tree’ means any kind of tree species as specified in the Schedule under section 32-E;

(t) ‘trivial offence’ includes minor deviations from the prescribed provisions of Act or rules made thereunder such as corrections on permits etc., use of forest produce for domestic purpose and offences involving forest produce valued at less than Rs. 1000(rupees one thousand) only;”;

Amendment

Of section 20.

3. In section of the principal Act, in sub-section (1), for clause (d), the following shall be substituted , namely,-

(d) abets any of the acts specified in clauses (a), (b) and (c) shall in addition to such compensation for damages caused to the forests per the assessment done by the Divisional Forest Officer as the Court may direct to be paid, be punishable,-

(i) in every case where any of the acts aforesaid relates to Red Sanders wood or Sandal wood or any scheduled tree shall upon conviction be punishable with imprisonment for a term which may extend to ten years and fine which may extend to ten lakh rupees: provided that,-

(a) in case of first offence, the term of imprisonment shall not be less than five years and an amount of fine shall not be less than three lakh rupees; and

- (b) in case of second and subsequent offences, the term of imprisonment shall not be less than seven years and an amount of fine shall not be less than five lakh rupees;
- (ii) in any other case, with imprisonment for a term which shall not be less than three months but which may extend upto five years and with fine which shall not be less than five thousand rupees which may extend to thirty thousand rupees:

provided that,-

- (a) in case of first offence, the term of imprisonment shall not be less than three months but which may extend upto three years and with fine which shall not be less than five thousand rupees; and
 - (b) in case of second and subsequent offences, the term of imprisonment shall not be less than one year but which may extend upto five years with fine which shall not be less than thirty thousand rupees.”
4. in section 22 of the Principal Act, for sub-section (2), the following shall be subsequent, namely,-

***Amendment
of section 22.***

“(2) Whoever, without lawful excuse, fails to comply with the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year and with a fine which may extend to five thousand rupees.”

5. In section 27 of the principal Act, or sub-section (2), the following shall be substituted, namely,-
- “(2) Whoever contravenes any rule made under sub-section (1) shall be punishable.-
- (i) in every case where any of the acts aforesaid relates to Red Sanders wood or Sandal wood or any scheduled tree shall upon conviction be punishable with imprisonment for term which may extend to ten years and fine which may extend to ten lakh rupees;

provided that,-

- (a) in case of first offence, the term of imprisonment shall not be less than five years and an amount of fine shall not be less than three lakh rupees; and

- (b) in case of second and subsequent offences, the term of imprisonment shall not be less than seven years and an amount of fine shall not be less than five lakh rupees:
- (ii) in any other case, with imprisonment for term which shall not be less than three months but which may extend upto five years and with fine which shall not be less than five thousand rupees which may extend to thirty thousand rupees:
provided that,-
 - (a) in case of first offence, the term of imprisonment shall not be less than three months but which may extend upto three years and with fine which shall not be less than five thousand rupees; and
 - (b) in case of second and subsequent offences the term of imprisonment shall not be less than one year but which shall not be less than thirty thousand rupees.:

**Amendment
of Section
29.**

- 6. In section 29 of the principal Act,-
 - (i) in sub-section (1), for clause (ii), the following shall be substituted, namely,-
“(ii) The possession of forest produce of such value or quantity as may be specified in this behalf.”
 - (ii) in sub0section (2), after clause (k), the following shall be added, namely,-
“(1) provided for levying of fee for issue of permits for transport of timber or other forest produce.”
 - (iii) In sub-section (4), for clause (a), the following shall be substituted, namely,-
“(a) whoever contravenes any rule made under this section shall be punishable,-
 - (i) In every case where any of the acts aforesaid relates to red Sanders wood or Sandal wood or any scheduled tree shall upon conviction be punishable with imprisonment for a term which may extend to ten years and fine which may extend to ten lakh rupees:
Provided that,-

- (a) In case of first offence, the term of imprisonment shall not be less than five years and an amount of fine shall be less than three lakh rupees; and
 - (b) In case of second and subsequent offences, the term of imprisonment shall not be less than seven years and an amount of fine shall not be less than five lakh rupees;
 - (ii) In any other case, with imprisonment for a term which shall not be less than three months but which may extend upto five years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees:
Provided that,
 - (c) In case of first offence, the term of imprisonment shall not be less than five years and an amount of fine shall be less than three lakh rupees; and
 - (d) In case of second and subsequent offences, the term of imprisonment shall not be less than seven years and an amount of fine shall not be less than five lakh rupees;
7. in "Chapter-V of the principal Act, in the heading, after the words "Sandal Wood", the words "or Red Sanders Wood or Scheduled Tree" shall be added.
8. After section 32 of the principal Act, the following sections shall be inserted, namely,-
- "Possession** 32A. No person shall have in his possession any quantity of Red Sanders
- Of Red** quantity of Red Sanders wood in excess of 20
- Sanders** kg expect under a license
- Wood.** granted by Divisional Forest Officer in such a manner as may be Prescribed:

Provided that the Divisional Forest Officer may by order refuse to grant or renew license to any applicant or license in respect of whom he is satisfied that by reason of his involvement in an offence under this Act or the rules made there under or the previous cancellation or suspension of any license granted there under or the contraventions of any of the requirements as to the possession of the Red Sanders Wood or for any other ground that may be prescribed he is not a fit person to whom a license may be granted or renewed under this

section and every such order shall be communicated as soon as may be to the applicant or the license as the case maybe.

Vehicles involved in smuggling Red Sanders Wood/Sandal Wood/Scheduled tree

32B. Wherever a vehicle is found to be involved in a forest offence involving Red Sanders Wood/Sandal Wood or Scheduled Tree, it will be presumed that the vehicle owner has committed the forest offence himself or through his agents and shall be liable for punishment as if he has committed the offence unless contrary is proved.

Resumptions regarding commission of offence

32C. Wherever an offender is prosecuted in case of forest offence involving Red Sanders Wood or Sandal Wood or Scheduled Tree, the burden of proof to prove innocence shall lie on the accused except in trivial offences.

Red Sanders Wood with private person

Act No.15 of 2016.

32D. (1) Private persons possessing Red Sanders Wood above 20 kg are required to inform their stocks to the concerned Divisional Forest Officer within 180 days from the date of commencement of the Andhra Pradesh Forest (Amendment) Act, 2016. If no such declaration is made, the stock will be presumed to be illegal and liable to be deal with the material involved in an offence within the meaning of the said Act and the stock will be presumed to be property of the Government.

- (2) The private red Sanders wood growers can sell the material within the State and outside the state in any form provided it is accompanied by documents prescribed for the transport, of Red Sanders Wood from the Divisional Forest Officer concerned.

Power to Amend Schedule.

32E. (1)The Government may, by notification, add to any tree or to omit any tree from the Scheduled.

(2). All references made in this Act to the Schedule shall be construed as references to the said Schedule as for the time being amended in exercise of the powers conferred by this Section.

**Substitution
of section
36.**

9. For section 36 of the principal Act, the following shall be substituted, namely,-

“Penalties.

36. Whoever, in contravention of the provisions of this Act any rule made or license granted thereunder possesses sandal wood or red Sanders wood or Scheduled tree, shall upon conviction be punishable with imprisonment for a term which may extend to ten years and fine which may extend to ten lakh rupees:

Provided that,-

- (a) In case of first offence, the term of imprisonment shall not be less than five years and an amount of fine shall be less than three lakh rupees; and
- (b) In case of second and subsequent offences, the term of imprisonment shall not be less than seven years and an amount of fine shall not be less than five lakh rupees;

**Amendment
of section
43**

10. In section 43 of the principal Act, for sub-section (2), the following shall be substituted, namely,-

- “(2) Whoever contravenes any rule made under this section shall be punishable with imprisonment for a term which shall not be less than three months but which may extend up five years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees:

Provided that,-

- (a) in case of first offence, the term of imprisonment shall not be less than three months but which may extend upto three years and with fine which shall not be less than five thousand rupees; and
- (b) in case of second and subsequent offences, the term of imprisonment shall not be less than one year but which may extend upto five years with fine which shall not be less than thirty thousand rupees.

**Amendment
of section
44.**

11. In section 44 of the principal Act,-

- (i) in sub-section (1), for the words ‘vehicles and cattle’. The words ‘vehicles, machinery and cattle’ shall be substituted.

- (ii) In sub-section (2-A), for the word 'vehicles', the words 'vehicles, machinery and cattle' shall be substituted.

**Amendment
of section
45.**

12. In section 45 of the principal Act, for the word 'vehicle', the words 'vehicle, machinery and cattle' shall be substituted.

**Amendment
of section
47.**

13. In section 47 of the principal Act, for the word 'Magistrate,' wherever it occurs, the words "Magistrate or Authorised Officer" shall be substituted.

**Amendment
of section
48.**

14. In section 48 of the principal Act,-
(i) in sub-section (1), for the word "Magistrate" wherever it occurs, the words "Magistrate or Authorised officer" shall be substituted:-
(ii) in sub-section (2), for the word "Magistrate", the words "Magistrate or Authorised Officer" shall be substituted.

**Amendment
of section
49.**

15. In section 49 of the principal Act,-
(i) for the 'Court', the words 'Court or appellate authority' shall be substituted.
(ii) for the word "Magistrate" the words "Magistrate or Authorised Officer" shall be substituted.
(iii) for the figure '1898', the expression '1973 or as per the provisions of this Act as the case may be' shall be substituted.

**Amendment
of section
51, Central
Act No.
2/1974.**

16. In section 51 of the principal Act, for the expression 'Section-494 of the Code of Criminal Procedure 1898' the expression 'Section-321 of the Code of Criminal Procedure, 1973' shall be substituted.

**Amendment
of section
52.**

17. In section 52 of the principal Act, in clause (d) for the words 'shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both', the following words shall be substituted, namely,-

“shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which shall not be less than twenty thousand rupees.”

**Amendment
of section
54.**

18. In the principal Act, to section 54 the following proviso shall be added, namely:-

“provided that the arrested person shall not be released on his personal bond unless he produces two sureties to the satisfaction of the Forest Officer concerned”

**Amendment
of section
57.**

19. for section 57 of the principal Act, the following shall be substituted, namely,-

**“power to
constitute
special
Courts.**

57. (1) The Government may, by notification, constitute Special Courts for trial of Forest Offences.

(2) No Civil Court shall give an injunction or any interim order without notice to the Government or to the Divisional Forest Officer concerned on forest offences.”

**Amendment
of section
59.**

20. In section 59 of the principal Act,-

(i) in sub-section(1), in clause(i), for the words ‘fifty rupees’, the words ‘one thousand rupees’ shall be substituted.

(ii) after sub-section(2), the following shall be added, namely,-

“(3) If the accused person does not pay the compensation amount levied as per sub-section (1) in full within sixty days from the date of receipt of compounding order, the amount, if any, paid shall be forfeited and the accused shall be proceeded with as if the offence is not compounded. The accused shall be produced before the Magistrate and the seizures shall become the property of Government.”

**Insertion
of new
sections
60-A to 60-**

**U in
chapter
VII.**

***“Prohibition of holding illegally acquired property and forfeiture of such property.
Act No. m15 of 2016.*”**

21. In the principal Act, after section 60, the following new sections shall be inserted, namely:-

60A. (1) On and from the date of commencement of the Andhra Pradesh Forest (Amendment) Act, 2016, it shall not be lawful for any person to whom this Act applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds such property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government in accordance with the provision of the principal Act as amended by the said amendment Act.

60B. (1) An officer not below the rank of Deputy Superintendent of Police duly authorized by the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of accounts in any bank or documents, books of account in any bank or financial institution or any other relevant steps as may be necessary.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority may make or issue in this behalf.

Identifying illegally acquired property

***Seizure or freezing
of illegally acquired
property.***

60c. (1) Where any officer conducting an inquiry or investigation under section 60-B has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under the provisions of this Act, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned.

Provided that a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation.- For the purpose of this section “transfer of property” means any disposition, conveyance, assignment, settlement, delivery, payment or other

alienation of property and without limiting the generality of the foregoing includes,-

- (a) the creation of a trust in property;
- (b) the grant or creation of any lease, mortgage, charge, easement, license, power, partnership or interest in property;
- (c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and
- (d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

Management of properties seized or forfeited under this Act.

60D. (1) The State Government may, by order published in the Andhra Pradesh Gazette, appoint as many of its officers not below the rank of Conservator of Forests as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 60C or under section 60F in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures as the State Government may direct, to dispose of the property which is forfeited to the State Government.

***Notice of forfeiture
of property***

60E. (1) If having regard to the value of the properties held by any person to whom this Act, either by himself or through any other person on his behalf, his known sources of income, earnings or assets and any other information or material available to it as a result of a report from any officer making an investigation under section 60B or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause any all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this Act and in support of his case indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

***Forfeiture of
property in certain
cases burden of
proof***

60F. (1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 60E, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any

other person, to such other person also a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person, such other person also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section ex-parte on the basis of evidence available before it.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1) within a period of ninety days.

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Act stand forfeited to the State Government free the property shall be released forthwith.

(4) In case the person affected establishes that the property specified in the notice issued under section 60E is not an illegally

acquired property and therefore not liable to be forfeited under this Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stand forfeited to the State Government under this Act, the company shall, notwithstanding anything contained in the Companies Act, 2013 or the articles of association of the company, forthwith register the State Government as the transferee of such shares.

Fine in lieu of forfeiture.

60G. (1) Where the competent authority makes, a declaration that any property stands forfeited to the State Government under section 60F and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 60F and thereupon such property shall stand released.

***Procedure in
relation to certain
Trust properties.***

60H. In the case of any person referred to as 'associate', if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust by him, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be notice served under section 60E and all the other provisions of this Act shall apply accordingly.

Explanation:- For the purposes of this section "illegally acquired property" in relation to any property held in trust, includes,-

- (i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;
- (ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person

acquired such property out of such contributions.

Certain transfers to be null and void

60 I. Where after the making of an order under sub-section (1) of section 60C or the issue of notice under section 60E or under section 60F, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purpose of the proceedings under this Act, be ignored and if such property is subsequently forfeited to the State Government under section 60F, then, the transfer of such property shall be deemed to be null and void.

Constitution of Appellate Tribunal

60J.(1) The State Government may, by notification, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members being officers of the State Government, as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 60C, section 60F, sub-section (1) of section 60G or section 60H.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of a High Court.

(3) The terms and condition of service of the Chairman and others member shall be such as may be prescribed.

Appeals

60K.(1) Any person aggrieved by an order of the competent authority made under section 60C, section 60F, sub-section(1) of section 60G or section 60H may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal.

Provided that the Appellate

Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.

(2) On receipt of an appeal under subsection (1), the Appellate Tribunal, may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.

(3) The Appellate Tribunal may regulate its own procedure.

(4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

Notice or Order not to be invalid for error in description

60L. No notice issued or served, no declaration made, no order passed under this act shall be deemed invalid by reason of any error in description of property of person mentioned there in if such property or person is identifiable from the description so mentioned.

Bar of Jurisdiction

60M. No order passed declaration made under this act shall be appealable except as provided there in and no civil court shall have Jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this act to determined, and no injunction shall be granted by any court or other authority of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Competent authority and appellate tribunal to have powers of Civil court, Act 5 of 1908.

60N. The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the code of Civil Procedure, 1908 in respect of the following matter namely:

- (a) Summoning and enforcing the attendance of any person and examining him on oath.
- (b) Requiring the discovery and production of documents,
- (c) Receiving evidence of affidavits:
- (d) Requisitioning any public record or copy thereof from any court of office.
- (e) Issuing commissions for examination of witnesses or documents:
- (f) Any other matter which may be prescribed.
- (g)

Information to competent authority

60O. (1) Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the State Government or a State Government or local authority to furnish information in relation to such persons, on points or matter as in the opinion of the competent authority will be useful for, or relevant to , the purposed of this Act.

(2) Every officer referred to in section 60 P may furnish suo-motu any information available with him to the competent authority if in the authority for the purpose of this Act.

Certain officers to assist the administrator competent authority and the Appellate Tribunal.

60 P. For the purpose of any proceeding under this Act, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 60D competent authority and the Appellate Tribunal, namely.

- a) officers of Police;
- b) officers of the State Forest Department;
- c) such other officers as specified by the State Government in this behalf by notification in the Official Gazette;

Provided that in the event of any need, Officers of the Central Government Establishment and Institutions namely: Central Economic Intelligence Bureau (CEIB), Directorate of Revenue Intelligence (DRI) and Enforcement Directorate (ED) etc, shall also be requested to provide their assistance.

Power to take possession

60Q. (1) Where any property has been declared to be forfeited to the State Government under this Act, of where the person affected has failed to pay the due under sub-section (1) of section 60G within the time allowed there for under sub-section (3) of heat section, the competent authority may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 60D or to any person duly authorized by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in sub-section (1), requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition

Rectification of mistakes

60R. With a view to rectifying any mistake

apparent from record, the competent authority or the Appellate Tribunal, as the case may be, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of a clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard

Finding under other laws not conclusive for proceedings under this Act.

60S. No finding of any officer or, authority under any other law shall be conclusive for the purposes of any proceedings under this Act.

Service of notices or order

60T. Any notice of order issued or made under this Act shall be served,
a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;
b) If the notice of order cannot be served in the manner provided in clause (a), then, by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business of personally worked for gain.

Punishment for acquiring property in relation to which proceedings have been taken under this Act.

60U. Any person, who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.

Amendment of section 61

22. In section 61 of the principal Act,-

- i. In sub-section (1), for the words 'reserve forest', the words 'proposed reserve forest and reserve forest' shall be substituted.
- ii. For sub-section(2), the following shall be substituted, namely,-

“(2) (i) the Government may be notification, fix the fine to be levied for each goat or kid and other cattle impounded under sub-section (1)”

Amendment of section 62

Insertion of new section.

- iii. The payment of fine fixed by section 12 of the Act referred to in sub-section (1) shall not be in lieu of but shall be in addition to any amount of compensation levible under section 20, or section 27 or section 59.”

23. In section 62 of the principal Act, in sub-section (1), in clause (a), for the word 'Ranger', the words 'Deputy Range Officer or Forester', shall be substituted.

24. After section 62 of the principal Act, so amendment the following new section shall be inserted, namely,-

Amendment of section 64.

Amendment of section 68.

Forest Offences to be cognizable and non-bailable. Central Act 2 of 1974 62A. (1) Notwithstanding anything contained in the code of Criminal procedure, 1973 all offences under this Act shall be deemed to be cognizable within the meaning of that code.

***Insertion of
new section
68A.***

“ proof or Notification

***Amendment
of section
69.***

Addition of Schedule.

(2) Notwithstanding anything contained in the code of Criminal Procedure, 1973 all offences under this Act shall be non-bailable.

(3) No person accused of any offence aforesaid shall, if in custody, be released on application for *bail or on his own bond unless the prosecution* has been given an opportunity to oppose the application for such release”.

25. In section 64 of the principal Act, for the words ‘enter’ the words, ‘enter without warrant ‘, shall be substituted.

26. In section 68 of the principal Act, in sub-section (4), for the words “for a term which may extend to one month of with fine which may extend to five hundred rupees or with both”, the words “ for a term which shall not be less than six months but which may extend to five years and with fine which shall not be less than twenty thousand rupees’ shall be substitute.

27. After section 68, the following section shall be inserted , namely,-

68A. Production of a copy of notification issued under this Act as authenticated by the Divisional Forest Officer concerned shall be conclusive proof of existence of such notification”.

28. In section 69 of the principal Act, for the words ' Chief Conservator of Forest', the words 'Principal Chief Conservator of Forests' shall be substituted.

29. After section 72, the following Schedule shall be added, namely:-

“ SCHEDULE
(SEE Section 2(s) and Section 32(E)-
Scheduled tree

include;

1.Rose wood (Dalbergia
latifolia).”

C.S.S.V.
DURGAPRASAD,
Secretary to Government,
Law Department.