The Andhra Pradesh Forest Act, 1967

Act Act No.1 of 1967. 100 sections. Bare Act with the official footnotes.

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[13th March, 1967]

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE PROTECTION AND MANAGEMENT OF FORESTS IN THE STATE OF ANDHRA PRADESH.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Eighteenth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Section 1. Short title, extent and commencement

(1) This Act may be called the Andhra Pradesh Forest Act, 1967.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

Section 2. Definitions

In this Act, unless the context otherwise requires-

[1][(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, 2013 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 of 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 of 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 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;]

(vi). Where the competent authority, for reasons to be recorded in writing, considers that any properties of such person or held on his behalf by any other person, such other person.

[2][(aa)] 'cattle' includes cows, oxen, elephants, camels, buffaloes, horses, mules, asses, pigs, sheep, goats and such other kind of animals as the Government may, by notification, specify;

[3][(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.]

[4][(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 trail of forest offences;]

(c) 'Divisional Forest Officer' means the forest officer in independent charge of a forest division;

(d) 'forest division' means such area as may be declared, by notification, by the Government or by such authority as may be empowered by the Government in this behalf, to be a forest division for the purposes of this Act;

(e) 'forest offence' means an offence punishable under this Act or any rule made thereunder;

(f) 'forest officer' means any person appointed by the Government or by any officer empowered by the Government in this behalf,-

[5][(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;]

(ii) to perform any function of a Forest officer under this Act or any rule or order made thereunder;

but does not include a Forest Settlement Officer appointed under clause(c) of sub-section(1) of section 4;

(g) 'forest produce' includes-

(1) The following whether found in, or brought from a forest or not, that is to say timber, bamboos, charcoal, rubber, cacutchour, catechu, wood-oil, resin, natural varnish bark, lac, mahua flowers, mahua seeds, myrobalans, tumki leaves, rousa grass, rauwolfa serpentine, adda leaves;

(2) The following when found in, or brought from a forest, that is to say-

(i) trees, such leaves, flowers and fruits as may be prescribed and all other parts or produce not herein before mentioned of trees;

(ii) plants not being trees (including grass, creepers, reeds and mose) and all parts or produce of such plants,

(iii) wild animals, wild birds, skins, tusks, horns, bones, silk cocoons, honey, wax, and all other parts or produce of animals and birds;

(iv) peat, surface soil, rock and minerals (including lime stone and laterite), mineral oil and all products of mines or quarries; and

(3) Such other produce as may be prescribed;

(h) 'Government' means the State Government;

[6][(hh) 'illegally acquired property' means in relation to any person to whom this Act applies:-

(i) any property acquired 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 acquired 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.]

[7][(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;]

(j) 'notification' means a notification published in the Andhra Pradesh Gazette;

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

(l) 'prescribed' means prescribed by rules made under this Act;

[8][(m) ''Red Sanders Wood' means the wood derived out of any part of the tree known by its Botanical name as ''Pterocarpus santalinus''. and includes chips, dust of powder of such wood or articles converted into any other form or any extract derived therefrom.]

(n) 'river' includes a stream, canal, backwater, creek and other channel, natural or artificial;

(o) 'sandalwood' means the wood derived out of any part of the tree known by its botanical name as Santalum album and includes chips, dust or powder of such wood;

(p) 'teakwood' means the wood derived out of any part of the tree known by its botanical name as Tectona grandis;

(q) 'timber' includes trees fallen or felled, and all wood, cut up or sawn;

(r) 'tree' includes bamboos, stems, brushwood and canes.

[9][(s) 'scheduled tree' means any kind of tree species as specified in the Scheduled 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;]

[1] Clause inserted by Act 15 of 2016, section 2.
[2] Renumbered the clause by Act 15 of 2016, section 2.
[3] Clause inserted by Act 15 of 2016, section 2.
[4] Substituted by Act 15 of 2016, section 2.
[5] Substituted by Act 15 of 2016, section 2.
[6] Clause inserted by Act 15 of 2016, section 2.
[7] Substituted by Act 15 of 2016, section 2.
[8] Substituted by Act 15 of 2016, section 2.
[9] Clauses inserted by Act 15 of 2016, section 2.

CHAPTER II RESERVED FORESTS

Section 3. Power to reserve forests

The Government may constitute any land as a reserved forest in the manner hereinafter provided.

Section 4. Notification by Government

(1) Whenever it is proposed to constitute any land as a reserved forest, the Government shall publish a notification in the Andhra Pradesh Gazette and the District Gazette concerned, if any;

(a) specifying, as nearly as possible, the situation and limits of such land;

(b) declaring that it is proposed to constitute such land as reserved forest;

(c) appointing a Forest Settlement Officer to consider the objections, if any, against the declaration under clause (b), and to enquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this Chapter.

Explanation- (1) For the purpose of clause (a), it shall be sufficient to describe the limits of the land by any well-known or readily intelligible boundaries, such as roads, rivers, bridges and the like.

(2) A person appointed to be a Forest Settlement Officer under clause (c) of sub-section (1) shall be an officer of the Revenue Department not below the rank of a Revenue Divisional Officer.

(3) Any forest officer may represent the Forest Department at the inquiry conducted under this Chapter.

Section 5. Suits barred

Save as otherwise provided in this Act, no court shall, between the dates of the publication of the notification under section 4 and the notification to be issued under section 15, entertain any suit or other action against the Government to establish any right in, or over, any land, or to the forest produce of any land included in the notification published under section 4.

Section 6. Proclamation by Forest Settlement Officer

(1) Where a notification has been issued under section 4, the Forest Settlement Officer shall publish in the main language of the District, in the District Gazette concerned or where there is no such Gazette, in the Andhra Pradesh Gazette, and in the regional language in every town and village and at the headquarters of each taluk and at the office of the Gram Panchayat, in which any portion of land included in the said notification is situated, a proclamation,-

(a) specifying, as nearly as possible, the situation and limits of the land proposed to be included within the reserved forest;

(b) setting forth the substance of the provisions of section 7;

(c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(d) fixing a period of not less than six months and not more than one year from the date of publishing such proclamation at the headquarters of the taluk, and calling for objections, if any, within the period so fixed from any person interested against the declaration under clause (b) of sub-section (1) of section 4, and requiring every person claiming any right in such land either to present to the said officer, within the period so fixed, a written statement specifying, or to appear before him within the said period and state, the nature of such rights, and in either case to produce all documents in support thereof.

(2) The Forest Settlement Officer shall also serve in the manner prescribed, a copy of the proclamation on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted as a reserved forest, or on his recognised agent or manager.

Section 7. Bar of accrual of forest rights and prohibition of clearings

(1) During the interval between the publication of a notification in the Andhra Pradesh Gazette under Section 4 and the date fixed by the notification under Section 15-

(a) no right shall be acquired by any person in or over the land included in the notification under Section 4 except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or any person in whom such right was vested before the publication of the notification under Section 4;

(b) no new house shall be built or plantation formed, no fresh clearing for cultivation or for any other purpose shall be made, on such land and no trees shall be cut from such land for the purpose of trade or manufacture:

Provided that nothing shall prohibit the doing of any act specified in this clause with the permission in writing of the Forest Settlement Officer; and

(c) no person shall set fire or kindle or leave burning any fire in such manner as to endanger or damage such land or forest produce.

(2) No patta in such land shall be granted by or on behalf of the Government.

Section 8. Inquiry by Forest Settlement Officer

(1) The Forest Settlement Officer shall consider every objection and inquire into every claim made under section 6, after recording in writing the statements made or evidence given in pursuance of the proclamation published or notice served under that section. He shall record any representation which the forest officer, if any, representing the Forest Department under sub-section (3) of section 4, may make in respect of any such objection or claim.

(2) The evidence under sub-section (1) shall be recorded in the manner provided by the Code of Civil Procedure.1908 in appealable cases.

Section 9. Powers of Forest Settlement Officer

For the purpose of an inquiry under section 8, the Forest Settlement Officer may exercise the following powers, namely:-

(a) power to enter by himself or to authorise any officer to enter upon any land and to survey, demarcate and make a map of the land; and

(b) the powers conferred on a civil court by the Code of Civil Procedure 1908, for summoning and enforcing the attendance of any person and examining him on oath and requiring the production of any document or other article.

Section 10. Claims to certain rights

(1) where the claim relates to a right in or over any land other than the following rights:-

(a) a right of way;

(b) a right to water-course, or to use of water;

(c) a right of pasture; or

(d) a right to forest produce;

the Forest Settlement Officer shall, after considering the particulars of such claim, and the objections of the forest officer, if any, pass, an order, admitting or rejecting the same wholly or in part after recording the reasons therefor.

(2)(a) If any claim is admitted wholly or in part under sub-section (1), the Forest Settlement Officers may-

(i) accept the voluntary surrender of the right by the claimant or determine the amount of compensation payable for the surrender of the right of the claimant, as the case may be; or

(ii) direct the exclusion of the land from the limits of the proposed forest; or

(iii) acquire such land in the manner provided by the Land Acquisition Act, 1894 (hereinafter in this sub-section referred to as the said Act.)

(b) For the purpose of acquiring such land-

(i) the acquisition shall be deemed to be for a public purpose; and the notification under section 4 shall be deemed to be a notification under sub-section (1) of section 4 of the said Act;

(ii) the Forest Settlement Officer shall be deemed to be a Collector under the said Act, and the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of the said Act;

(iii) the provisions of sections 5-A, 6,7 and 8 of the said Act shall not be applicable; and

(iv) the Forest Settlement Officer with the consent of the claimant, or the Court as defined in the said Act with the consent of the claimant and of the Government may, instead of money compensation, award compensation by the grant of any other land in exchange, by the grant of any right in or over land or partly by the grant of any land of any right therein and partly by the payment of money.

Section 11. Claims to rights of way, etc

(1) Where the claim relates to any of the rights specified in clauses (a) to (d) of sub-section (1) of section 10, the Forest Settlement Officer shall, after considering the particulars of such claim so far as may be necessary to define the nature, incidents and extent of the right claimed, and the objections of the forest officer, if any, pass an order, admitting or rejecting such claim wholly or in part, after recording the reasons therefor.

(2) Where the claim admitted relates to a right for the beneficial enjoyment of any land or building, the Forest Settlement Officer shall record the designation, position and area of such land and the designation and position of such building.

(3) Where the claim admitted relates to a right of way or to a water course or to the use of water, the Forest Settlement Officer shall, either accept the voluntary surrender of the right by the claimant, with or without conditions, or pass an order for the continuance of the exercise of such right, subject to such conditions as may be agreed upon between the Forest Department and the claimant or in default of such agreement, as the Forest Settlement Officer, may impose.

(4) Where the claim admitted relates to a right of pasture or to forest produce, the Forest Settlement Officer shall either accept the voluntary surrender of such right or pass an order, providing for the exercise of such right, if any, subject to such conditions or restrictions as he may impose, or directing the exclusion of the land of sufficient extent, of a suitable kind, and in a locality reasonably convenient to the claimant, by altering the limits of the proposed reserved forest.

(5) In the order passed under sub-section (4) the Forest Settlement Officer shall record, as far as practicable, the number and description of the cattle which the claimant is from time to time, entitled to graze, the local limits within which, and the seasons during which, such pasture is permitted, or the quantity of timber or other forest produce which the claimant is authorised to take or receive, the local limits, within which, the seasons during which, and the

mode in which , the taking or receiving such produce is permitted, and such other particulars as may be required in order to define the extent of the right which is continued and the mode in which it may be exercised.

(6) A copy of every order passed under this section shall be furnished to the claimant by the Forest Settlement Officer and another copy shall be forwarded to the forest officer, if any, representing the Forest Department under sub-section (3) of section 4 or where no such officer is appointed, to the Divisional Forest Officer.

Section 12. Compensation for rights

Where the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 11 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall direct the Forest Department to pay compensation as determined on the basis of the value of such right on the date of notification under section 4, in accordance with the provisions of the Land Acquisition Act, 1894, in so far as such provisions are applicable.

Section 13. Appeals from the orders of Forest Settlement Officer

(1) Where a claim is rejected wholly or in part, the claimant may, within ninety days from the date of the order under sub-section (1) of section 10 and within sixty days from the date of the order under sub-section (1) of section 11, prefer an appeal to the district court having jurisdiction in respect of such rejection only.

(2) Where a claim is admitted under section 10 or section 11 in the first instance wholly or in part and where such claim does not relate to the acquisition of any land under the Land Acquisition Act, 1894, a like appeal, subject to the same period of limitation and subject to the same conditions, may be preferred to the district court having jurisdiction on behalf of the Government by the forest officer or other person, generally or specially empowered by the Government in this behalf.

(3) Every order passed on appeal under this section, shall be final.

(4) Where the district court on appeal decides that the claim or such part thereof as has been rejected should be admitted, the Forest Settlement Officer shall proceed to deal with it in like manner as if it has been in the first instance admitted by himself.

Section 14. Appointment of pleader

The Government or any person who has made a claim under this Act may appoint any person to appear, plead and act on their or his behalf in the course of any enquiry or other proceeding under this Act.

Section 15. Notification declaring Forest reserved

(1) Upon the occurrence of the following events, namely:-

(a) the period fixed under Section 6 for preferring of an objection or a claim had elapsed, and every objection or claim made under that section was disposed of by the Forest Settlement Officer; and

(b) if any such claim was made, the period limited by section 13 for preferring an appeal from the order passed on such claim had elapsed, and every appeal presented within such period was disposed of by the appellate authority; and

(c) all proceedings mentioned in section 10 were taken and all lands, if any, to be included in the proposed forest, which the Forest Settlement Officer had, under section 10, elected to acquire under the Land Acquisition Act, 1894, had become vested in the Government under section 16 of that Act; the Government may publish a notification specifying definitely according to the boundary marks erected or otherwise, the limits of the forest which it is intended to reserve and declaring the same to be reserved from a date to be fixed by such notification and from the date so fixed, such forest shall be deemed to be a reserved forest.

(2) Copies of the notification shall also be published in the District Gazette, if any, and in the manner provided for the proclamation under section 6.

Section 16. Extinction of rights not claimed

Rights in respect of which no claim was preferred under section 6 within the period fixed under that section shall stand extinguished on the publication of the notification under section 15 unless, before the publication of such notification the person claiming them has convinced the Forest Settlement Officer that he had sufficient cause for not preferring such claim within that period in which case the Forest Settlement Officer shall proceed to dispose of the claim in the manner herein before provided.

Section 17. No right acquired over reserved forest except as herein provided

No right of any description shall be acquired by any person in or over a reserved forest, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or any person in whom such right was vested before the publication of the notification under section 15.

Section 18. Rights continued under section 11 not to be alienated without sanction

(1) Notwithstanding anything in this Act, no right continued under section 11 shall be alienated by way of grant, sale, exchange, lease or otherwise, without the sanction of the Government:

Provided that where any such right is continued for the beneficial enjoyment of any land or building, it may be sold or otherwise alienated with such land or building, without such sanction.

(2) Any alienation of such right in contravention of this section shall be null and void.

(3) Subject to the provisions of sub-section (1), no forest produce obtained in exercise of any right continued under section 11 shall be sold or exchanged except to the extent provided by the order passed under sub-section (4) of section 11 in respect thereof.

(4) Any person selling or exchanging any forest produce in contravention of sub-section (3) shall be punishable with fine which may extend to one thousand rupees.

Section 19. Power to stop ways and water-courses in reserved forests

The Divisional Forest Officer may, from time to time, with the previous sanction of the Government, stop any public or private way or watercourse in a reserved forest where reasonably convenient substitute for the way or water-course so stopped already exists or has been provided or constructed.

Section 20. Penalties for trespass or damage in reserved forest and acts prohibited in such forests

(1) Any person who -

(a) contravenes the provisions of clause (b) or sub-section (1) of section 7:

(b) sets fire to a forest notified to be reserved under section 4 or kindles in such forest any fire or leaves any fire burning in such manner as to endanger such forest;

(c) in a reserved forest -

(i) kindles, keeps or carries any fire, except at such season and subject to such conditions as the Divisional Forest Officer may, from time to time, specify in this behalf;

(ii) trespasses, pastures cattle or allows cattle to trespass;

(iii) causes any damage, either wilfully or negligently in felling or cutting any tree or dragging any timber;

(iv) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages the same;

(v) quarries, stones, burns lime or charcoal;

(vi) collects or subjects to any manufacturing process, any forest produce;

(vii) clears or breaks up or ploughs any land for cultivation or for any other purpose;

(viii) hunts, shoots, fishes, poisons water or sets traps or snares;

(ix) damages, alters or removes any wall, ditch, embankment, fence, hedge or railing ; or

(x) removes any forest produce;

[1][(d) abets any of the acts specified in clauses (a), (b) and (c) shall on addition to such compensation for damages caused to the forests as 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]

(2) Nothing in sub-section (1) shall be deemed to prohibit -

(a) any act done in accordance with any rule made under this Act or with the permission in writing of the Divisional Forest Officer or of any officer authorized by him to grant such permission ; or

(b) the exercise of any right continued under sub-section (3) or sub-section (4) or section 11 or created by a grant or contract in the manner described in section 17.

(3) Where a person contravenes the provisions of sub-clause (ii) or sub-clause (vii) of clause (c) of sub-section (1) -

(i) a forest officer not below the rank of a Ranger;

(ii) a police officer not below the rank of a Sub- Inspector; or

(iii) a revenue officer not below the rank of a Deputy Tahsildar;

may evict the person from the forest or the land, pertaining to which the contravention has taken place and remove any building or other construction or anything grown or deposited on it;

Provided that before taking any action under this sub-section, the officer concerned shall given an opportunity to the person affected to make any representation against the action proposed.

(4) Where any agricultural or other crop is grown on the land in contravention of sub-clause (vii) of clause (c) of sub-section (1) or any building or other construction is put up on such land, any such crop, building or other construction shall be liable to confiscation by an order of the Divisional Forest Officer;

Provided that before making any order under this sub-section, the Divisional Forest Officer shall give an opportunity to the person affected to make a representation against the order proposed to be made.

[1] Substituted by Act 15 of 2016, section 3.

Section 21. Suspension of rights in reserved forests

Where fire is caused wilfully or negligently by any person or persons in a reserved forest or any portion thereof, the Government may direct that in such forest or portion thereof, the exercise of all rights of pasture or to forest produce shall be suspended for such period as they think fit.

Section 22. Persons bound to assist forest officer and police officer

(1) Every person who exercises any right in a reserved forest, or who is permitted to take any forest produce from or to cut and remove timber or to pasture cattle in, such forest; and every person who is employed by any such person in such forest; and every village officer or person in any village contiguous to such forest who is employed by the Government; shall be bound to furnish without delay to the nearest forest officer or police officer- in-charge of the nearest police station any information he may possess respecting the occurrences of a fire in, or near, such forest, or the commission for or intention to commit any forest offence; and shall forthwith take steps, whether so required by the forest officer or police officer or not -

(a) to extinguish any such fire of which he has knowledge or information;

(b) to prevent any such fire from spreading and shall assist any forest officer or police officer demanding his aid -

(i) in preventing the commission in such forest of any forest offence; and

(ii) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

[1][(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]

[1] Substituted by Act 15 of 2016, section 4.

Section 23. Power to declare reserved forest as no longer reserved

(1) The Government may, by notification, direct that from a date to be fixed by such notification any reserved forest or any portion thereof shall cease to be reserved.

(2) From the date so fixed, such forest or portion shall cease to be reserved, but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III PROTECTED FORESTS

Section 24. Protected Forests

(1) The Government may, by notification, declare any forest or waste land which is the property of the Government or which is placed under their control for management and which is not included in a reserved forest, to be a protected forest and, on such declaration, the provisions of this Chapter shall apply to such protected forest.

(2) No such notification shall be made in respect of any land unless the nature and extent of the rights of the Government and of private persons in or over such land have been inquired into and recorded at a survey of settlement, or in such other manner as may be prescribed and every such record shall be presumed to be correct until the contrary is proved:

Provided that, where in the case of any land, the Government consider that such inquiry and record are necessary, but that the completion thereof will occupy such length of time, as in the meantime, to endanger the rights of the Government, the Government may, pending such inquiry and record, declare such land to be protected forest but such declaration shall not affect or abridge any existing rights of individuals or communities.

Section 25. Power to close forest against pasture

(1) Where fire is caused wilfully or negligently by any person in any protected forest or a portion thereof, the Government may direct that such forest or portion thereof be closed against pasture for such period as they think fit.

(2) Whoever pastures cattle or allows cattle to trespass in protected forest closed against pasture under this section shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both.

Section 26. Power to issue notification reserving trees, etc

(1) The Government may, by notification,-

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;

(b) prohibit, from a date fixed as aforesaid the quarrying of stone, or the burring of lime or charcoal or the collection or subjection to any manufacturing process or removal of, any forest-produce in any such forest and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any such forest.

(2) A translation into the main language of the locality of every notification issued under this section shall be caused to be affixed in a conspicuous place in every town and village in the neighbourhood of the protected forest comprised in the notification.

Section 27. Power to make rules

(1) Subject to all rights now vested in individuals and communities by law or custom or usage having the force of law, the Government may make rules to regulate the use of the pasturage or of the natural produce of any protected forest; and such rules may with respect to such forests-

(a) regulate the occupation, clearing, ploughing or breaking up of land for cultivation or other purposes;

(b) regulate or prohibit the kindling of fire and provide for the precautions to be taken to prevent and spreading of fire;

(c) regulate the cutting, sawing, conversion and removal of trees and timber and the collection and removal of natural produce;

(d) regulate the quarrying of stone, the boiling of catechu or the burning of lime or charcoal;

(e) regulate or prohibit the cutting of grass or the pasturing of cattle and regulate the payments, if any, to be made for such cutting or pasturing;

(f) regulate or prohibit hunting, shooting, fishing, poisoning of water and setting traps or snares;

(g) regulate the sale or free grant of timber or other natural produce;

(h) specify the fees, royalties, or other payments for such timber or other natural produce and the manner in which

such fees, royalties or other payments shall be levied.

[1][(2) Whoever contravenes any rule made under subsection (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 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,-

(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 up to five years with fine which shall not be less than thirty thousand rupees.]

(3) The Government may, by notification and for reasons to be recorded in writing, exempt any person or class of persons belonging to the Scheduled Tribes, from the operation of all or any of the rules made under this section.

[1] Substituted by Act 15 of 2016, section 5.

Section 28. Power to declare protected forest to cease to be protected

The Government may, by notification, direct that from a date to be fixed by such notification, any protected forest or any portion thereof shall cease to be a protected forest.

CHAPTER IV CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT OR POSSESSION

Section 29. Power to make rules to regulate the transit possession of timber and other forest produce

(1) The Government may make rules to regulate-

(i) the floating of timber in the rivers in the State and the transit of timber and other forest produce by land or water;

[1][(ii) The possession of forest produce of such value or quantity as may be specified in this behalf.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) specify the routes by which alone timber or other forest produce may be imported, exported or moved into, from or within the State;

(b) prohibit the import or export or moving of such timber or other forest produce without a permit from a forest officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such permit, or in the case of timber, without a transit mark affixed by such officer;

(c) provide for the issue, production and return of such permit or in the case of timber, for affixing of transit-mark and for the payment of the fees therefor;

(d) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty, or charge due thereon or to which it is desirable for the purpose of this Act to affix a mark;

(e) provide for-

(i) the establishment and regulation of depots and stations to which such timber or other forest produce shall be taken by those in charge of it for examination, or for the payment of such money or in order that such marks may be affixed to it, the conditions under which such timber or other forest produce shall be brought to, stored at and removed from such depots or stations;

(ii) the setting up of a check-post or the erection of a barrier or both at such places as the Government may

specify with a view to prevent or check the carrying of smuggled forest produce; and

(iii) the management and control of such depots, stations, check posts or barriers and for regulating the appointment and duties of persons employed thereat;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce and throwing of grass, brush-wood, branches or leaves into any such channel or river or any act which may cause such channel or river to be closed or obstructed;

(g) Provide for the prevention or removal of any obstruction of the channel or banks of any such river and for recovering the cost of such prevention or removal from the person whose act or negligence caused such obstruction;

[2][(h) Prohibit absolutely or regulate, subject to such conditions in the entire State of Andhra Pradesh or within such local limits as may be specified, the establishment of pits or machinery for sawing, converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, of the possession or carrying of hammers or other implements used for marking timber;]

(i) regulate the use of property marks for timber and the registration of such marks, declare the circumstances in which the registration of any property marks may be refused or cancelled; prescribe the time for which such registration shall hold good, limit the number of such marks that may be registered by any one person and provide for the levy of fees for such registration;

(j) provide for the maintenance of accounts in respect of all classes of sandal wood and red sanders wood stored in private lands, depots, markets or factories, for industrial or commercial purposes;

(k) provide for the protection of bridges, locks or other public works by regulating the floating of timber and the storing of such timber or other forest produce on river banks and authorising the seizure of such timber or other forest produce floated or stored in contravention of such rules or by which any damage to such work may have been caused, and the detention and disposal of such timber or other forest produce until compensation has been made for the damage done.

[3][(l) provided for levying of fee for issue of permits for transport of timber or other forest produce.]

(3) The Government may, by notification, direct that any rule made under this section shall not apply to such classes of timber or other forest produce or to such local area, as may be specified by them.

(4) [4][(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 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 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;]

(b) If an offence under this section 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 magistrate having jurisdiction may inflict double the penalty prescribed for such offence.

[1] Substituted by Act 15 of 2016, section 6.

[2] Sub-section substituted by Act 35 of 1997, section 2.

[3] Inserted by Act 15 of 2016, section 6.

[4] Substituted by Act 15 of 2016, section 6.

Section 30. Government and forest officers not liable for damage to forest produce at depots and stations

The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot or station established under a rule made under section 29 or while detained elsewhere for the purpose of this Act; and no forest officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, wilfully, maliciously or fraudulently.

Section 31. Persons employed at depots and stations bound to aid in case of accident

Where any accident or emergency involving danger to any property at any depot or station referred to in section 30 occurs, every person employed at such depot or station shall render assistance to any forest officer or police officer demanding his aid in preventing or mitigating the damage or loss to such property.

CHAPTER V POSSESSION OF SANDALWOOD [OR RED SANDERS WOOD OR SCHEDULED TREE]

Section 32. Possession of sandalwood under licence or mark

No person shall have in his possession any quantity of sandalwood in excess of ten kilograms, except under a licence granted by the Divisional Forest Officer in that behalf, and except such sandalwood as is marked by a forest officer in such manner as may be prescribed:

Provided that the Divisional Forest Officer may, by order, refuse to grant or renew licence to any applicant or licensee in respect of whom he is satisfied that by reason of his conviction of an offence under this Act or the rules made thereunder, or the previous cancellation or suspension of any licence granted thereunder, or the contravention of any of the requirements as to the possession of sandalwood, or for any other ground that may be prescribed, he is not a fit person to whom a licence 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 licensee, as the case may be.

Section 32A. Possession of Red Sanders Wood

[1][No person shall have in his possession any quantity of Red Sanders wood in excess of 20 kg expect under a license granted by Divisional Forest Officer in such a manner as may be Wood. 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 licensee as the case maybe.

[1] Sections inserted by Act 15 of 2016, section 8.

Section 32B. Vehicles involved in smuggling Red Sanders Wood/Sandal Wood/ Scheduled tree

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.

Section 32C. Presumptions regarding commission of offence

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.

Section 32D. Red Sanders Wood with private person

(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(Act No.15 of 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.

Section 32E. Power to Amend Schedule

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

(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.]

Section 33. Forms and conditions of licence

The Government may make rules to provide for-

(a) the form and manner in which application for licence may be made;

(b) the terms and conditions which may be included in any licence and the fees for the grant of such licence;

(c) the grant of duplicate licence and the renewal of licence and fees for the same.

Section 34. Power to cancel or suspend licence

The Divisional Forest Officer may, after recording the reasons therefor, cancel or suspend any licence granted under this Chapter, if he is satisfied that the licensee has contravened, or failed to comply with, any of the provisions of this Act or the rules made thereunder or any of the terms or conditions of the licence, after giving the licensee an opportunity of making a representation against the action proposed to be taken.

Section 35. Appeal

(1) Any person aggrieved by the decision of the Divisional Forest Officer, refusing to grant or renew, or cancelling or suspending a licence under this Chapter may, within such time as may be prescribed, appeal to the Conservator of Forests who may make such order as he deems fit, after recording the reasons therefor.

(2) Any person aggrieved by an order of the Conservator of Forests in appeal preferred under sub-section (1) may, within such time as may be prescribed, prefer a second appeal to the Chief Conservator of Forests who may make such order as he deems fit, after recording the reasons therefor.

Section 36. Penalties

[1][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 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;]

[1] Substituted by Act 15 of 2016, section 9.

CHAPTER - VI OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

Section 37. Certain kinds of timber to be deemed property of Government until title thereto is proved and may be collected accordingly

(1) (a)

All timber found adrift, beached, stranded or sunk.

(b) all timber bearing marks which have not been registered in accordance with the rules made under section 29 or on which the marks have been obliterated, altered or defaced by fire or otherwise, and

(c) all unmarked timber found in such areas as the Government may specify. shall be deemed to be the property of the Government unless and until, any person establishes his right and title thereto as provided in this Chapter.

(2) Such timber may be collected by any forest officer or by any other person empowered by a rule made under section 43 and may be brought to any depot which the forest officer may notify as a depot for the reception of drift timber.

(3) The Government may, by notification, and for reasons to be recorded in writing exempt any class of timber from the provisions of this section.

Section 38. Notice to claimants to drift timber

Where any timber is collected by the forest officer or other person under section 37, he shall immediately report the same to the Divisional Forest Officer who shall publish a notice in the District Gazette concerned or where there is no such Gazette, in the Andhra Pradesh Gazette, requiring any person claiming the same to present to him within a period, not exceeding two months, from the date of such notice, a written statement of such claim. Such notice shall contain a description of the timber and the place from which it was collected and the depot or station at which it is stored.

Section 39. Procedure on the presentation of claim to such timber

(1) When any statement of claim is presented as required under section 38, the Divisional Forest Officer, may, after making such enquiry as he thinks fit, either reject the claim, or deliver the timber to the claimant, after recording the reasons therefor.

(2) Where such timber is claimed by more than one person, the Divisional Forest Officer may either deliver the same to any such person whom he finds to be entitled thereto after recording the reasons therefor, or may refer the claimants to the court, and retain the timber pending the receipt of an order from such court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall be entitled to any compensation or cost against the Government or against any forest officer on account to such rejection, or the detention or removal of any timber, or the delivery thereof to any other person.

(4) Save as otherwise provided in this section no such timber shall be subject to the process of any civil, criminal or revenue court until it is delivered.

(5) Where the matter is pending before a court under this section, the Divisional Forest Officer may, with the permission of the court, instead of retaining the timber under sub- section (2), sell the timber in public auction and remit the sale proceeds into the nearest Government, treasury. The court may deal with the proceeds of the sale of any such timber in the same manner as it might have dealt with the timber if it had not been sold.

Section 40. Disposal of unclaimed timber

Where no statement of claim is presented as required under section 38 or where the claimant fails to prefer his claim in the manner and within the period fixed by the notice issued under that section or on such claim having been so preferred by him and having been rejected, fails to institute a suit to recover possession of such timber within the further period fixed by section 39, the ownership of such timber shall vest in the Government free from all encumbrances or when such timber has been delivered to another person under that section, in such other person, free from all encumbrances other than those created by him.

Section 41. Government and their officers not liable for damage to timber collected under section 37

The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 37 and no forest officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, wilfully, maliciously or fraudulently.

Section 42. Payment to be made by claimant before timber is delivered to him

No person shall be entitled to recover possession of any timber collected under section 37 or delivered under section 39 until he has paid to the forest officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 43.

Section 43. Power to make rules and prescribe penalty for contravention thereof

(1) The government may make rules to regulate the following matters, namely:-

(a) the salving, collection and disposal of all timber referred to in this Chapter;

(b) the use and registration of boats used in salving and collecting timber;

(c) the costs to be paid for salving, collecting, moving, storing or disposing of such timber;

(d) the use and registration of hammers and other implements used for marking such timber.

[1][(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 to 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.]

[1] Substituted Act 15 of 2016, section 10.

CHAPTER VII PENALTIES AND PROCEDURE

Section 44. Seizure of property liable to confiscation and procedure thereupon

(1) Where there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber, or forest produce, together with all tools, ropes, chains, boats, [1][vehicles, machinery and cattle] used in committing any such offence may be seized by any forest officer or police officer.

(2) Every officer seizing any property under this section shall place on such property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, except where the offender agrees in writing forthwith to get the offence compounded, without any unreasonable delay, either produce the property seized before an officer not below the rank of an Assistant Conservator of Forests authorised by the Government in this behalf by notification (hereinafter refereed to as authorised officer) or [2][without any unreasonable delay either produce the property seized before an officer not below the rank of an Assistant Conservator of Forests authorized by Government in this behalf by notification (hereinafter referred to as the authorized officer) or make a report of such seizure to the magistrate"]:

Provided that where the timber or forest produce with respect to which such offence is believed to have been committed is the property of the Central or State Government and the offender is not known, it shall be sufficient if the Officer makes, as soon as may be, a report of the circumstances to the Divisional Forest Officer.

[3][(2-A) Where an authorised officer seizes under sub-section (1) any timber or forest produce or where any such timber or forest produce is produced before him under sub-section (2) and he is satisfied that a forest offence has been committed, in respect thereof, he may order confiscation of the timber or forest produce so seized or produced together with all tools, ropes, chains, boats or[4][vehicles machinery and cattle] used in committing such offence.

(2-B) No order of confiscating any property shall be made under sub-section (2-A) unless the person from whom the property is seized is given,-

(a) a notice in writing informing him of the grounds on which it is proposed to confiscate such property;

(b) an opportunity of making a 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.

(2-C) Without prejudice to the provisions of sub-section (2-B), no order of confiscation under sub-section (2-A) of any tool, rope, chain, boat or vehicle shall be made if the owner thereof proves to the satisfaction of the authorised officer that it was used in carrying the property without his knowledge or connivance or the knowledge or connivance of his agent, if any, or the person in charge of the tool, rope, chain, boat or vehicle in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

(2-D) Any forest officer not below the rank of a Conservator of Forests empowered by the Government in this behalf by notification, may within thirty days from the date of the order of confiscation by the authorised officer under sub-section (2-A) either suo motu or an application call for and examine the record of that order and may make such inquiry or cause such inquiry to be made and pass such orders as he may think fit:

Provided that no order, prejudicial to any person, shall be passed without giving him an opportunity of being heard.

(2-E) Any person aggrieved by an order passed under sub-section (2- A) or sub-section (2-D) 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.]

(3) Any forest officer not below the rank of a Forester, who or whose subordinate has seized any tools, ropes, chains, boats, vehicles or cattle under sub-section (1) [5][and where he makes a report of such seizer to the magistrate under sub-section (2)]and where he makes a report of such seizure to the magistrate under sub-section (2) may release the same on the execution by the owner thereof a bond for the production of the property so released, if and when so required before the magistrate.

(4) Upon the receipt of any report under sub-section (2), the magistrate shall, except where the offence is compounded, take such measures as may be necessary for the trial of the accused and the disposal of the property

according to law.

(5) The property seized under this section, shall be kept in the custody of the forest officer not below the rank of a Forest Guard or the Village Headman until the compensation for compounding the offence is paid or until an order of the magistrate directing its disposal is received.

[1] Substituted by Act 15 of 2016, section 11.
[2] Words and brackets substituted by Act No. 17 of 1976, section 2.
[3] Sub-sections inserted by Act No. 17 of 1976, section 2.
[4] Substituted by Act 15 of 2016, section 11.
[5] Inserted by Act No. 17 of 1976, section 2.

Section 45. [2]Timber, forest produce tools, etc., when liable to confiscation

Where a person is convicted of a forest offence, the Court sentencing him shall order confiscation to the Government of timber or forest produce in respect of which such offence was committed and of any tool, boat, [1][vehicles machinery and cattle], vessel or other conveyance or any other article used in committing such offence except where an order of confiscation, has already been passed in respect thereof under section 44.]

[1] Substituted by Act 15 of 2016, section 12.
[2] Section substituted by Act No. 17 of 1976, section .

Section 46. Disposal on conclusion of trial for forest offence of timber or forest produce in respect of which it was committed

When the trial of any forest offence is concluded, any timber or forest produce in respect of which such offence was committed shall, if it is the property of the Central or State Government, or if it is confiscated, be taken possession of by under the authority of the Divisional Forest Officer, or and in any other case, may be disposed of in such manner as the court having jurisdiction may, by order, direct.

Section 47. Procedure when offender is not known or cannot be found

Where the [1][Magistrate or Authorised Officer] is of opinion that a forest offence was committed but the offender is not known or cannot be found, he may on an application made in this behalf order the property, in respect of which the offence was committed and which was seized, to be confiscated and taken possession of by or under the authority of the Divisional Forest Officer or to be made over to any person whom the[1][Magistrate or Authorised Officer] considers to be entitled to the same:

Provided that before making any such order the[1][Magistrate or Authorised Officer] shall cause a notice of any application made under this section to be served upon any person who, he has reason to believe, is interested in the property seized, or shall publish such notice in such manner as he thinks fit:

Provided further that no such order shall be made until the expiration of thirty days from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

[1] Substituted by Act 15 of 2016, section 13.

Section 48. Procedure in regard to perishable property seized under section 44

(1) Except where a forest offence has been compounded, the [1][Magistrate or Authorised Officer] may direct the sale of any property seized under section 44, which is subject to speedy and natural decay, and if in the opinion of the officer seizing such property, it is not possible to obtain the orders of the [1][Magistrate or Authorised Officer] in time, such officer may sell the property himself, remit the scale proceeds into the nearest Government treasury and make a report of such seizure, sale and remittance to the[1][Magistrate or Authorised Officer] and thereupon the 1[Magistrate or Authorised Officer] shall take such measures as may be necessary for the trial of the accused.

(2) The[1][Magistrate or Authorised Officer] may deal with the proceeds of the sale of any property held under sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.

[1] Words substituted by Act 15 of 2016, section 14

Section 49. Appeal from orders under section 45, section 46 or section 47

Any person claiming to be interested in the property seized under section 44 may, within one month from the date of any order passed under section 45, section 46 or section 47, present an appeal therefrom to the [1][court or appellate authority] to which an appeal from the order of the [2][Magistrate or Authorised Officer] ordinarily lies. The appeals shall be disposed of in the manner provided by the Code of Criminal Procedure,[3][1973 or as per the provisions of this Act as the case may be].

[1] Substituted by Act 15 of 2016, section 15.
[2] Substituted by Act 15 of 2016, section 15.
[3] Substituted by Act 15 of 2016, section 15.

Section 50. Property when to vest in Government

[1][(1) Where an order of confiscation of any property passed under sub-section (2-A) or sub-section (2-D) of section 44 has become final in respect of the whole or any portion of such property, such property or the portion thereof, as the case may be, shall vest in the Government free from all encumbrances.]

[2][(2)]Where an order for the confiscation of any property was passed under section 45 or section 47 and the period limited by section 49 for presenting an appeal from such order has elapsed, and no such appeal was presented, or where, on such an appeal being presented, the appellate court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall best in the Government free from all encumbrances.

[1] Sub-section (1) inserted by Act No.17 of 1976, section 4.
[2] Renumbered by Act No.17 of 1976, section 4.

Section 51. Saving of power to release, property seized

Nothing in this Act shall be deemed to prevent the Divisional Forest Officer from directing at any time the immediate release of any property seized under section 44, and the withdrawal of any charge made in respect of such property in accordance with the provisions of[1][section 321 of the Code of Criminal Procedure, 1973]:

Provided that where a report is made to the magistrate of the property seized under section 44, the Divisional Forest Officer shall not release the property without the consent in writing of such magistrate, or without previous intimation to such magistrate.

[1] Substituted by Act 15 of 2016, section 16.

Section 52. Penalty for counterfeiting marks on trees and timber and for altering boundary marks

Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code-

(a) knowingly counterfeits upon any timber or standing tree, a mark used by any forest officer to indicate that such timber or tree is the property of the Central or State Government or of some person, or that it may lawfully be cut or removed by some person, or

(b) unlawfully affixes to any timber or standing tree, a mark used by any forest officer, or

(c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of any forest officer, or

(d) alters, moves, destroys or defaces any boundary mark of any forest or any land to which any provisions of this Act apply.

[1] [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].

[1] Substituted by Act 15 of 2016, section 17.

Section 53. Power to arrest without warrant

(1) Any forest officer not below the rank of a Forest Guard or Police Officer may, without orders from a magistrate and without a warrant arrest and detain in custody any person if the officer knows or has reason to believe that such person is committing or has committed any forest offence and, if such person refuses to give his name and residence, or gives a name residence which there is reason to believe to be false or if there is reason to believe that he will abscond.

(2) Every person arrested and detained in custody under this section shall be informed, as soon as may be, of the grounds for such arrest and detention and shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate; and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

Section 54. Power to release on bond a person arrested

Any forest officer not below the rank of Forester, who or whose subordinate has arrested any person under the provisions of section 53, may release such person on his executing a bond to appear, if any when so required, before the magistrate or before the officer in charge of the nearest police station.

[1][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.]

[1] Proviso inserted by Act 15 of 2016, section 18.

Section 55. Punishment of wrongful seizure or arrest

Any forest officer or police officer who vexatiously or frivolously seizes any property on pretence of seizing property liable to confiscation under this Act, or who vexatiously or frivolously arrests any persons, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Section 56. Power to prevent commission of offence

Every forest officer and police officer shall prevent, and may take necessary steps for the purpose of preventing the commission of any forest offence.

Section 57. Power to constitute special Courts

[1][(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.]

[1] Substituted by Act 15 of 2016, section 19.

Section 58. Operation of other laws not barred

Nothing in this Act shall be deemed to bar the prosecution of any person under any other law for any act or commission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Act, or the rules made thereunder:

Provided that no person shall be prosecuted and punished for the same offence more than once.

Section 58-A. Order of confiscation not to bar imposition of other penalty

[1][An order of confiscation under sub-section (2-A) or sub-section

(2-D) of section 44 shall not be deemed to bar the imposition of any other penalty to which the person from whom the property is seized is liable under this Act.]

[1] Sub-section (1) inserted by Act 17 of 1976, section 5.

Section 59. Power to compound offences

(1) Any forest officer, specially empowered in this behalf by the Government may accept as compensation from any person who committed or in respect of whom it can be reasonably inferred that he has committed, any forest offence, other than an offence under section 52 or section 55-

(i) a sum of money not exceeding [1][one thousand rupees] where such offence is of a trivial nature;

(ii) a sum of money which shall not in any case be less than the value of the forest produce, or more than four times such value as estimated by such forest officer, in addition to the value of the forest produce, where such offence involves any forest produce which in the opinion of the forest officer, may be released;

(iii) a sum of money which shall not in any case be less than the value of the forest produce or more than four times such value as estimated by such forest officer, where such offence involves forest produce which in the opinion of the forest officer should be retained by the Government.

(2) On receipt of the sum of money referred to in sub-section (1), by such officer,-

(i) the accused person, if in custody, shall be discharged;

(ii) the property seized shall, if it is not to be so retained, be released; and

(iii) no further proceedings shall be taken against such person or property.

[2][(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.]

[1] Substituted by Act 15 of 2016, section, 20.
[2] Sub-section inserted by Act 15 of 2016, section 20.

Section 60. Presumption that timber or forest produce belongs to the Central or State Government

Where, in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the property of the Central or State Government, such produce shall be presumed to be the property of the Central and State Government as the case may be, until the contrary is proved.

Section 60A. Prohibition of holding illegally acquired property and forfeiture of such property

[1][(1) On and from the date of commencement of the

Andhra Pradesh Forest (Amendment) Act, 2016(Act No. 15 of 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 buy the said amendment Act.

[1] Sections inserted by Act 15 of 2016, section 21.

Section 60B. Identifying illegally acquired property

(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.

Section 60C. Seizure or freezing of illegally acquired property

(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 Seizure or freezing of illegally acquired property. 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.

Section 60D. Management of properties seized or forfeited under this Act

(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 subsection (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.

Section 60E. Notice of forfeiture of property

(1) If having regard to the value of the properties held by any person to whom this Act applies, 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.

Section 60F. Forfeiture of property in certain cases burden of proof

(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 subsection (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 from all encumbrances.

(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.

Section 60G. Fine in lieu of forfeiture

(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.

Section 60H. Procedure in relation to certain Trust properties

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.

Section 60I. Certain transfers to be null and void

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.

Section 60J. Constitution of Appellate Tribunal -(

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 not below the rank of a Principal Secretary to Governmnet, 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.

Section 60K. Appeals

(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 filing 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.

Section 60L. Notice or Order not to be invalid for error in description

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

Section 60M. Bar of Jurisdiction

No order passed declaration made under this act shall be appealable accept 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.

Section 60N. Competent authority and appellate tribunal to have powers of Civil court, Act 5 of 1908

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 matters 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 or office.

(e) Issuing commissions for examination of witnesses or documents:

(f) Any other matter which may be prescribed.

Section 60-O. Information to competent authority

(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 a 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 purposes 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 opinion of the officer such information will be useful to the competent authority for the purpose of this Act.

Section 60P. Certain officers to assist the administrator competent authority and the Appellate Tribunal

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.

Section 60-Q. Power to take possession

(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 fine due under sub-section (1) of section 60G within the time allowed there for under subsection (3) of that section, the competent authority order the person effected as well as any other person who 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.

Section 60R. Rectification of mistakes

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.

Section 60S. Finding under other laws not conclusive for proceedings under this Act

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

Section 60T. Service of notices or order

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 or 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 of carried on business of personally worked for gain.

Section 60U. Punishment for acquiring property in relation to which proceedings have been taken under this Act

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.]

CHAPTER VIII CATTLE TRESPASS

Section 61. Cattle Trespass Act, 1871 to apply

(1) Cattle trespassing in a [1][proposed reserve forest and reserve forest] or in a protected forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act 1871, and may be seized and impounded as such by any forest officer or police officer.

[2][(2) (i) the Government may by notification, fix the fine to be levied for each goat or kid and other cattle impounded under subsection (1).

(ii) 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 leviable under section 20, or section 27 or section 59].

[1] Substituted by Act 15 of 2016, section 22.
[2] Substituted by Act 15 of 2016, section 22.

CHAPTER IX POWERS OF FOREST OFFICERS

Section 62. Government may invest forest officers with certain powers

(1) (a) The Government may, by notification and subject to such terms and conditions as may be specified therein, invest any forest officer not below the rank of a[1][Deputy Range Officer or Forester] with all or any of the following powers, namely:-

(i) to enter upon any land and to survey, demarcate and make a map of the same:

Provided that no such demarcation shall take away or a bridge the right of any person in or over the land;

(ii) to hold enquiries into forest offences, and in the course of such enquiries to receive and record evidence;

(iii) to accept compensation for forest offences under section 59.

(b) The Government may, by notification, invest any forest officer, not below the rank of an Assistant Conservator of Forests with all or any of the following powers, namely:-

(i) power of a civil court to compel the attendance of witnesses and the production of documents and material objects;

(ii) to search or to issue a search warrant which may be executed in the manner provided in the Code of Criminal Procedure, 1898.

(2) The Government may, in like manner, withdraw any powers invested under sub-section (1).

(3) Any evidence recorded under item (ii) of clause (a) of sub-section (1) shall be admissible, in any subsequent trial of the alleged offender before a magistrate, if it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure, 1898.

[1] Substituted by Act 15 of 2016, section 23.

Section 62A. [1]Forest Offences to be cognizable and nonbailable

(1) Notwithstanding anything contained in the code of Criminal procedure, 1973 (Central Act 2 of 1974) all offences under this Act shall be deemed to be cognizable within the meaning of that code.

(2) Notwithstanding anything contained in the code of Criminal Procedure, 1973 (Central Act 2 of 1974) 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.]

[1] New section inserted by Act 15 of 2016, section 24.

Section 63. Forest Officers deemed public servants

All forest officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Section 64. Powers of entry and inspections

Any forest officer not below the rank of a Forester may, at any time [1][enter without warrant] and inspect any private forest or land within his jurisdiction for the purpose of ascertaining whether there has been contravention of any of the provisions of this Act and the rules made thereunder or for the purpose of securing compliance with any such provision.

[1] Substituted by Act 15 of 2016, section 25.

Section 65. Indem for acts done in good faith

No suit or criminal prosecution shall lie against any public servant for anything done or omitted to be done in good faith in pursuance of this Act.

CHAPTER X MISCELLANEOUS

Section 66. Revision

(1) The Government may suo motu or on application made to them, call for and examine the record of any forest officer in respect of any proceeding, not being a proceeding in respect of which a suit, an appeal or application or a reference to a court is provided under this Act, to satisfy themselves as to the regularity of such proceeding, or the correctness, legality or propriety of any decision passed or order made therein; and, if in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application to the Government for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Government may suspend the execution of any proceeding, decision or order pending the exercise of their power under sub-section (1) in respect thereof.

Section 67. Power of Government to exempt any area from the provisions of the Act

The Government may, by notification exempt for reasons to be recorded in writing, any area from all or any of the provisions of this Act, but not so as to affect anything done, or any offence committed, or any fine imposed or penalty levied, or any proceedings commenced in such place before such exemption, and may in like manner vary or cancel such notification.

Section 68. Power of Government to make rules

(1) The Government may, by notification make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for ---

(a) declaring by which forest officer or class of forest officers, the powers conferred or duties imposed by or under this Act on a forest officer shall be exercised or performed;

(b) regulating the procedure to be followed by the Forest Settlement Officer;

(c) regulating the rewards to be paid to officers or informers from the proceeds of fines and confiscations under this Act, or from the Government treasury;

(d) regulating or prohibiting, hunting, shooting, carrying firearms, fishing, poisoning of water or setting traps or

snares on or from any public road passing through or situated within a distance of thirty metres from any forest;

(e) the preservation, reproduction and disposal of trees and timber belonging to the Government;

(f) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall immediately after it is made be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall thereafter have effect only in such modified form, or shall stand annulled, 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.

(4) Any person contravening any rule under this Act, for the contravention of which no special penalty is provided shall be punishable with imprisonment [1][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]:

Provided that no prosecution under this sub-section shall be instituted without the previous sanction of the Divisional Forest Officer.

[2][68 A-Proof of Notification - 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.]

[1] Substituted by Act 15 of 2016, section 26.

[2] Section inserted by Act 15 of 2016, section 27.

Section 69. Government may delegate powers

The Government may, by notification delegate any of the powers conferred on them by sections 18, 19, 21, 24, 25 and sub-section (2) of section 61, to the [1][Principal Chief Conservator of Forests], or to such other officer or authority as they deem fit.

[1] Substituted by Act 15 of 2016, section 27.

Section 70. Recovery of money due to Government

(1) All monies, other than fines imposed by the magistrate, duly ascertained and payable to the Government under this Act, or any rule made thereunder, or on account of timber or forest produce or of expenses incurred in the execution of this Act in respect of timber or forest produce or under any contract relating to timber or forest produce including any sum recoverable thereunder for the breach thereof or in consequence of the cancellation or under the terms of a notice relating to the sale of timber or forest produce by auction or by invitation of tenders, issued by or under the authority of a Divisional Forest Officer and all compensations awarded to Government under this Act including the compensation under section 59 may, if not paid when due, to recovered as if it were an arrear of land revenue.

(2) Where the money referred to in sub-section (1) is payable for, or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on that produce; and if the amount be not paid when due, the produce may be taken possession of by or under the authority of the Divisional Forest Officer, and may be retained until such amount is paid, or the forest officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, shall be paid to the person entitled thereto.

Section 71. Land required under this Act to be deemed to be needed for public purpose under the Land Acquisition Act, 1894

Whenever it appears to the Government that any land is required for any of the purpose of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

Section 72. Repeal

(1) The Andhra Pradesh (Andhra Area), Forest Act 1882 and the Andhra Pradesh (Telangana Area) Forest Act, 1355 F., are hereby repealed.

(2) Upon such repeal, the provisions of sections 8 and 18 of the Andhra Pradesh General Clauses Act, 1891 shall apply.

Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

[1][SCHEDULE (official file, page 38)

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