

অসম



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THE ASSAM GAZETTE

অসাধাৰণ
EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH

The 22nd September, 2000

NOTIFICATION

No. LGL. 25/2000/14.-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XII OF 2000
(Received the assent of the Governor on
20th September, 2000)

THE ASSAM FOREST (REMOVAL AND STORAGE OF
FOREST PRODUCE) REGULATION ACT, 2000

AN
ACT

to regulate and control removal of forest produces outside the State of Assam and the setting up of or establishment of trading depot for forest produce and matters connected therewith.

It is hereby enacted in the Fifty-first Years of the Republic of India as follows :-

**Short title
extent and
commence-
ment.**

1. (1) This Act may be called the Assam Forest (Removal and Storage of Forest Produce) Regulation Act, 2000.
- (2) It shall extend to the whole of the State of Assam.
- (3) It shall come into force at once.

Definition.

2. (1) In this Act, unless the context otherwise requires.
 - (a) "Competent authority" means such authority as the Government may, by notification, appoint for the purpose of exercising the powers or functions of a competent authority under this Act and Rules made thereunder, for the whole or any part of the State of Assam ;
 - (b) "Government" means the Government of the State of Assam ;
 - (c) "Prescribed" means prescribed by rules made under this Act ;
 - (d) "State" means the State of Assam ;
 - (e) "Trading Depot" means any place where forest produce is collected, stored or stocks for sale or conversion including shops and establishments for trading in forest produce.

(2) Words and expressions used, but not defined in this Act but defined in the Assam Forest Regulation, 1891 shall have the meaning assigned to them respectively in that Regulation.

Restriction on removal of Forest produce outside the State of Assam.

3. No person shall remove or cause to be removed from the State for the purpose of trade or otherwise any forest produce to any other place outside the State, and no trading depot for any forest produce shall be set up or established in the State without a licence issued therefor by the Competent authority.

Application for licence and the disposal.

4. (1) Every application for grant of licence under this Act shall be made to the competent authority in such form and on payment of such fee as may be prescribed.

(2) Every order granting or refusing licence under this Act shall be in writing, in such form as may be prescribed, and in case of refusal shall contain the reasons therefor.

Licence fee and period of its validity.

5. (1) The fee payable for a licence granted under this Act, the conditions of the licence, the route or routes through which the forest produces are to be transported to a place outside the State, and the period of validity of the licence, shall be such as may be prescribed and shall be specified in the licence :

Provided that the licence fee, the conditions of the licence and the period of its validity may vary for different categories of forest produces :

Provided further that such period of validity shall not exceed twelve months at a time.

(2) The licence fee may be paid in such manner as may be prescribed.

(3) Every licence granted under this Act may be renewed immediately before the expiry of the period of its validity by the competent authority in such manner and on payment of such fees as may be prescribed :

Provided that the period of validity so extended together with the original period of validity shall not exceed twenty four months.

(4) The provision of Section 4 shall apply in case of an application for renewal under this Section.

Appeal.

6. Any person aggrieved by any order passed by the competent authority under Section 3 or Section 4 may within a period of sixty days from the date on which the order is communicated and on payment of such fee as may be prescribed, prefer an appeal to such authority as the Government may, by notification, appoint in this behalf and the order of such authority shall be final :

Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Penalty.

7. Any person who contravene any of the provisions of Section 3 shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and the Court trying the offence may further order that the forest produce in respect of which the offence was committed and the vessel or vehicle or animal with which the offence was committed, shall be confiscated to the Government.

Provided that in case of a second or subsequent offence under this Act, the fine shall be double the above amount.

Power to direct submission of report or return.

8. The competent authority may direct any person holding any licence under this Act to submit such report or return in such form and manner as may be prescribed.

Power to enter search, arrest and detain.

9. (1) Any Forest Officer not below the rank of Forester and any Police Officer not below the rank of Assistant Sub-Inspector of Police, who from his personal knowledge or information received, and after such enquiry as he may consider necessary, has reason to believe that any person has committed an offence under this Act, may -

- (a) enter and search, at all reasonable times, any premises, land, vehicle or vessel in the occupation of such person ;
- (b) required such person to produce for his inspection the licence or any other documents granted by the competent authority or any books of accounts or other documents that may have any bearing on such offence ;

(c) seize any timber in respect of which the offence was committed, any books of account or other documents relating to such timber and may also detain and seize any animal, vessel or vehicle with which the offence was committed.

(2) Any officer referred to in sub-section (I) may stop and detain any person committing an offence under this Act or abetting in the commission of such offence and such officer may arrest without warrant any such person :

Provided that the officer making such arrest may release any such person if he furnishes his name and address and otherwise satisfies such officer that he will duly answer any summons or other proceedings which may be taken against him.

Searches and arrest how to be made.

10. All searches and arrests under this Act shall be conducted and made in accordance with the procedure laid down in the Code of Criminal procedure, 1973 (2 of 1974).

Production of persons arrested and things seized.

11. Every person detained or arrested under any of the provisions of this Act, shall be taken by the officer referred to in Section 9 and produce before the nearest Magistrate having jurisdiction alongwith a report containing full particulars of the person arrested or articles seized and the circumstances under which the arrest or seizure was effected, within twentyfour hours of such arrest or seizure, excluding of the time necessary for the actual journey from the place of arrest to the Court of the Magistrate.

Report of arrest and seizure.

12. Any Forest Officer or Police Officer making an arrest or seizure under this Act shall forthwith make a full report of all particulars of such arrest or seizure to his immediate superior officer.

Erection of Check Posts.

13. (1) The competent authority may after notification, in the Official Gazette, set up and erect in such manner as may be prescribed, check posts and barriers at any place in the State with a view to preventing the unlawful removal of forest produce from the State to any place outside the State.

(2) Every person transporting forest produce before crossing such a check post or barrier shall produce before the officer-in-charge of the check post or barrier such documents as may be demanded.

(3) The Officer-in-charge of the check post or barrier for the purpose of satisfying himself that the provisions of this Act and the Rules made thereunder are not being contravened or intercept may detain and search any animal, vehicle or vessel.

Penalty for refusal to produce things or furnish information.

14. Whoever - wilfully refuses or is unable to produce licence or document or wilfully refuses or fail to give such information which under the provisions of this Act or the rules made thereunder, is required to be produced or furnished or otherwise furnishes information which he knows or believes to be false or does not believe to be true ;

OR

forcibly resists the arrest or attempts to evade arrest or obstructs any Forest Officer or Police Officer to enter or to effect arrest or seizure under the powers conferred by the Act or the Rules made thereunder, shall be guilty of an offence under this Act, and on conviction, be punished with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

Power to compound offence.

15. (1) Any Forest officer duly authorised by the Government in this behalf by name or by designation may accept from any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Act, such sum of money as may be prescribed, by way of composition of the offence which such person is suspected to have committed.

(2) When any property has been seized as liable for confiscation, such Forest officer after the composition referred in sub-section (1) of the Section may release the name on payment of the value thereof as estimated by such officer.

(3) On payment of such sum of money, and such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any seized shall be released and no further proceedings shall be taken against such person or property.

(4) The provisions of this Section shall apply also where a prosecution or an appeal against conviction of offence

under this Act, is pending before a Court and in such case, the composition of such offence shall have the effect of the acquittal of the accused with whom an offence has been compounded provided the Court before whom such prosecution or appeal is pending grants permission for such composition.

When court to take cognizance of offence. 16. No Court shall take cognizance of any offence under this Act -

- (1) except on the complaint made by an officer authorised by the Government in this behalf, and
- (2) unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

Bar of suit in civil courts. 17. No suit shall be brought in any Civil Court to set aside or modify any order made under this Act.

Suit, etc. against authority, officers or persons acting in good faith. 18. No suit, prosecution or legal proceeding shall lie against any authority, officer or person for anything which is in good faith done or intended to be done under this Act.

Officer and person to be public servant. 19. Every person or officer, appointed under, or exercising any power conferred by and under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Effect of other laws. 20. The provisions of this Act shall be in addition to and not in derogation of the provision of the Assam Forest Regulation, 1891 and the rules made thereunder.

Exemption. 21. The provision of this Act shall not apply to removal of produce to a place outside the State by or on behalf of the Government under the provisions of the Assam Forest Regulation, 1891.

Power to make rules. 22. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

- (2) In particulars and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) the form and conditions of licence under Section 3 and Section 5 and the fees payable therefor ;
- (b) the form and manner in which application for

licence under Section 4 may be made and the fees payable therefor ;

- (c) the fees payable for appeal under Section 6 ;
- (d) the form of register, report or return to be maintained and submitted by the licensee ;
- (e) the conditions for storing, stocking and the manner of marking and identifying the forest produce of different categories in the trading depots ;
- (f) the manner in which the inspection of forest produce and of documents maintained by licensee shall be carried out ;
- (g) the routes by which the forest produce shall be transferred to a place outside the State ;
- (h) the terms and conditions for setting up or establishment of trading depots ;
- (i) the manner in which the right of access to documents and the right to entry conferred by Section 9 may be exercised ;
- (j) the manner in which a check-post or barrier may be set up or erected and the form of documents under Section 13 ;
- (k) the procedure and manner for payment of fees under this Act and of money payable because of composition of offence under Section 15 ;
- (l) the amount of levy or duty and the manner for payment of such levy or duty for forest produce removed out of the State ;
- (m) any other matter which is to be or may be prescribed.

M. K. DEKA,

Secretary to the Govt. of Assam,
Legislative Department.