



GOVERNMENT OF TRIPURA
LAW DEPARTMENT

THE INDIAN FOREST
(Tripura Second Amendment)
ACT, 1986.

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GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No. F. 1(10)Law/Leg/86.

Dated, Agartala, the 11th April, 1987.

The following Act of the Tripura Legislative Assembly received assent of the President on 4-4-1987 and is hereby published for general information.

Indian Forest (Tripura Second Amendment) Act, 1986.

ACT,

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

Short title &
Commence-
ment.

- (2) It shall come into force at once.

2. The Indian Forest Act, 1927 (hereinafter referred to as principal Act) shall in its application to the State of Tripura be amended for the purposes and in the manner hereinafter provided.

3. After Section 52 of the Principal Act, the following new section shall be inserted, namely :—

(1) Where a Saw Mill is established, maintained or operated without a licence or without renewal of a licence

the authorised officer may order confiscation of the stock of wood together with whole or portion of the plants, machinery, implements, tools, and equipments of the Saw Mill.

(2) Where the authorised officer seizes under sub-section (1) of Section 52 any forest produce or where any such property is produced before the authorised officer after seizure by any Forest Officer and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution instituted for the [commission of such forest offence, order confiscation of the property so seized together with all tools, equipments, ropes, chains, boats, carts, vehicles and cattle used in committing such offence.

(3) No order confiscating any property shall be made under Sub-Section (1) or Sub-section (2) unless the person from whom the property is seized and in case the owner of such property is known, such person is given—

- (a) a notice in writing informing him the grounds on which it is proposed to confiscate such property ;
- (b) an opportunity of making representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation ; and
- (c) a reasonable opportunity of being heard in the matter.

(4) Any Forest Officer not below the rank of Conservator of Forests empowered by the State Government in this behalf by notification, may within 30 days from the date of order of confiscation by the authorised officer under sub-section (1) or sub-section (2) either suo-moto or on application, call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and pass 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.

(5) Any persons aggrieved by an order passed under sub-sections (1), (2) or (4) may within thirty days from the date of communication to him of such order, appeal to the District Court having jurisdiction over the area in which the property has been seized and the District Court shall after giving an opportunity to the parties to be heard ; pass such order as it may think fit and the order of the District Court so passed shall be final. Where an order of confiscation of any property passed under sub-section (1) or sub-section (2) or sub-section (4) has become final in respect of the whole or any portion of such property ; such property or the portion thereof ; as the case may be shall vest in the State Government free from all encumbrances.

Explanation. For the purposes of this section authorised officer means an officer not below the rank of Assistant Conservator of Forest authorised by the State Government by notification."

S. R. Sinha
Deputy Secretary, Law.