

BE it enacted in the Twenty-fifth Year of the Republic of India as follows -

1 *Short title and commencement.*--(1) This Act may be called the Kerala Agricultural University (Amendment) Act, 1974.

(2) It shall be deemed to have come into force on the 27th day of November, 1973

2 *Amendment of section 61.* - In sub-section (2) of section 61 of the Kerala Agricultural University Act 1971 (33 of 1971) (hereinafter referred to as the principal Act), for the words "two years" the words "three years" shall be substituted

3 *Repeal and saving.* - (1) The Kerala Agricultural University (Second Amendment) Ordinance 1973 (16 of 1973), is hereby repealed

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act

## THE KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES ACT, 1974

(Act 7 of 1974)

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# THE KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES ACT, 1974

(Act 7 of 1974)

*An Act to restrict the cutting and destruction of certain valuable trees in private lands in the State of Kerala.*

*Preamble* — WHEREAS it is considered necessary to restrict the cutting and destruction of certain valuable trees in private lands in the State of Kerala,

BE it enacted in the Twenty-fifth Year of the Republic of India as follows —

1 *Short title, extent and commencement* — (1) This Act may be called the Kerala Restriction on Cutting and Destruction of Valuable Trees Act, 1974

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 22nd day of January, 1974

2 *Definitions* — In this Act, unless the context otherwise requires,—

(a) "authorised officer" means an officer appointed under section 3,

(b) "owner", in relation to any land, includes a mortgagee lessee or other person having right to possession and enjoyment of that land;

(c) "plantation" means any land used principally for the cultivation of tea, coffee, cocoa rubber, cardamom or cinnamon and includes lands interspersed within the boundaries of the area principally cultivated with such crops;

(d) "prescribed" means prescribed by rules made under this Act.

(e) "valuable tree" means sandalwood tree, rosewood tree or teak tree

3 *Authorised officers* — The Government may, by notification in the Gazette, appoint such officers as they think fit to be authorised officers for the purposes of this Act and may assign to them such local limits as they think fit

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Received the assent of the Governor on the 12th day of March, 1974 and published in the Gazette Extraordinary No 277 dated 12th March 1974

4 *Restriction regarding cutting of valuable trees* - (1) No owner of any land (including a plantation), and no person claiming under him or any other person, shall without the previous permission of the authorised officer, cut any sandalwood tree or rosewood tree from that land

(2) No owner of any plantation, and no person claiming under him or any other person, shall, without the previous permission of the authorised officer, cut any teak tree from that plantation

5 *Restriction regarding destruction of valuable trees*.--(1) No person shall, without the previous permission of the authorised officer, destroy any sandalwood tree or rosewood tree or plant of any such tree or do any act which diminishes the value of any such tree or plant

(2) No person shall, without the previous permission of the authorised officer, destroy any teak tree or plant of such tree standing in a plantation or do any act which diminishes the value of any such tree or plant

6 *Revision* --(1) The Government may, either *suo motu* or on application by any person aggrieved, call for and examine the record of any order passed by the authorised officer under sub-section (1) or sub-section (2) of section 4 or under sub-section (1) or sub-section (2) of section 5, for the purpose of satisfying themselves as to the legality, propriety or regularity of such order and pass such order thereon as they think fit

(2) The Government shall not of their own motion revise any order under sub-section (1) if that order has been passed more than three months previously

(3) An application under sub-section (1) by an aggrieved person shall be made within a period of two months from the date on which the order in question was communicated to him

Provided that the Government may admit an application made after the expiry of the said period of two months if they are satisfied that the applicant had sufficient cause for not making the application within that period

(4) An order prejudicial to a person shall not be passed under sub-section (1) unless that person has been given a reasonable opportunity of showing cause against such order

*Explanation* --An order declining to interfere shall for the purposes of this sub-section, be deemed to be an order prejudicial to a person

7 *Penalties*—Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 4 or sub-section (1) or sub-section (2) of section 5 or any of the terms and conditions subject to which a permission has been granted under any of the said provisions, shall be punishable—

- (a) in the case of a first offence with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and
- (b) in the case of a second or subsequent offence, with imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees

8 *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly

Provided that nothing in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

*Explanation*—For the purposes of this section,—

(a) 'company' means any body corporate and includes a firm, society or other association of individuals, and

(b) 'director'—

(i) in relation to a firm, means a partner in the firm.

(ii) in relation to a society or other association of individuals, means the person who is entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be

9 *Powers of authorised officer*—The authorised officer shall for the purpose of performing his functions under this Act have all the powers of a civil court while trying a suit under the Code of Civil Procedure 1908 (Central Act 5 of 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 any document, and
- (c) receiving evidence on affidavit

10 *Powers of entry and inspection*.—The authorised officer or any other officer generally or specially authorised by the Government in this behalf may, with such assistance (if any), being persons in the service of the Government, as he thinks fit at all reasonable times enter upon any land (including a plantation) for the purpose of ascertaining whether any of the provisions of this Act or any of the terms and conditions subject to which any permission has been granted under this Act has been contravened

11 *Institution of prosecutions*.—No prosecution shall be instituted against any person without the sanction of the authorised officer

12 *Bar of suits*—No order of the Government or the authorised officer under this Act shall be liable to be questioned in any court of law

13 *Indemnity*—No suit, prosecution or other legal proceeding shall lie against the Government or the authorised officer or any other person for anything which is in good faith done or purported to have been done under this Act or any rule made thereunder

14 *Power to make rules*—(1) The Government may, by notification in the Gazette make rules for carrying out the purposes of this Act

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

- (a) the girth of trees which may be permitted to be cut
- (b) the terms and conditions subject to which permissions may be granted,

(c) the procedure to be followed by the authorised officer before granting permission.

(d) any other matter which has to be or may be prescribed

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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

15. *Power to remove difficulties*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order, do anything not inconsistent with such provisions, which appears to them necessary for the purpose of removing the difficulty

16 *Repeal and saving*—(1) The Kerala Restriction on Cutting and Destruction of Valuable Trees Ordinance 1974 (1 of 1974), is hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act

## THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT)

ACT 1974

(Act 8 of 1974)

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