

INDIAN FOREST (PUNJAB AMENDMENT) ACT, 1962

324 The Indian Forest (Punjab Amendment) Act, 1962 The Indian Forest (Punjab Amendment) Act, 1962 Act No. 13 of 1962 Received the assent of the President of India on the 21st June, 1962 and was first published in the Punjab Government Gazette Extraordinary, dated 10th July, 1962. An Act to amend the Indian Forest Act, 1927, in its application to the State of Punjab for the purposes of extending it to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union in addition to certain other purposes. Be it enacted by the Legislature of the State of Punjab in the Thirteenth Year of the Republic of India as follows NOTE Statement of Objects and Reasons. - Bill seeks to achieve unification of laws relating to forests in force in the territories which, immediately before the 1st November, 1956, were comprised in State of the Patiala and East Punjab States Union. Accordingly it is proposed to amend the Indian Forest Act, 1927, for the purpose of extending it to certain other territories. While repealing the Patiala Forest Act, 1999 Bik, it is proposed in clause 7(1) of the Bill to keep section 39 of the Patiala Act alive. In order to save the duties being levied and charged under section 39 of the Patiala Act, 1999 that section is now proposed to be repealed as the necessary protection is afforded by Article 277 of the Constitution. Punjab Government Gazette Extraordinary, dated the 27th April, 1962, Page 637

1. Short title - This Act may be called The Indian Forest (Punjab Amendment) Act, 1962

2. Amendment of section 1 of Central Act XVI of 1927.- In section (1) of the Indian Forest Act, 1927, in its application to the State of Punjab (hereinafter referred to as the principal Act) (1) After sub-section (2), the following sub-section shall be inserted, namely '(2A) Notwithstanding anything contained in sub-section (2), it also extends to the territories which before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union'; and (2) in sub-section (3), after the word 'Orissa', the words "Patiala and East Punjab States Union" shall be inserted

3. Insertion of new section 3S-A in Central Act XVI of 1927 - After section 35 of the principal Act, the following section shall be inserted, namely "3S-A.Power to regulate preservation etc. of trees in private lands. - The State Government may, by rules made under section 76, regulate the presentation and disposal of trees, standing on lands belonging to or in the occupation of private persons, in respect of which permission to remove is required under the record of rights any law relating to land revenue." 4. Amendment of section 38 of Central Act XVI of 1927.- In sub-section (1) of section 38 of the principal Act, for the words "the owners of shares therein amounting in the The Indian Forest (Punjab Amendment) Act, 1962 325 aggregate to at least two-thirds thereof", the words 'owners of the majority of shares therein' shall be substituted

5. Amendment of section 68 of Central Act XVI of 1927 - In sub-section (3) of section 68 of the principal Act, for word "fifty" the words "five hundred" shall be substituted

6. Insertion of new section 84-A in Central Act XVI of 1927.- After section 84 of the principal Act, the following section shall be inserted, namely "WA. • Validity of settlement etc. of covenanting States. - For the removal of doubts it is hereby declared that every settlement or arrangement made before the 20th August, 1948, under the authority of the Government of any Covenanting State forming part of the territories referred to in sub-section (2-A) of section 1, with respect to any claims or rights of any persons admitted by the Government of that State to be in existence in any of the forest or waste lands which were the property of that Government or over which that Government had proprietary rights to the whole or part of the forest produce of which that Government was entitled, shall be deemed to be as a settlement of claims and rights duly inquired into and admitted for the purposes of this Act and shall be deemed always to have been so inquired and admitted for the purposes of the Patiala Forest Act, 1999 Bik. and it shall not be, and shall be deemed never to have been, necessary to determine the rights of person in accordance with Chapters 11 and IV, as the case may be, for declaring any forest or waste lands to be reserved or protected forest or a first or second class forest." 7. Repeal and saving. - (1) The Patiala Forest Act, 1999 Bik, except section 39 thereof, is hereby repealed :- Provided that the repeal shall not affect (a) the previous operation of the Act so repealed or anything done or suffered thereunder; or (b) any right, privilege, or liability acquired, accrued or incurred under the Act so repealed; or (c) any penalty, forfeiture or punishment

incurred in respect of any offence committed against the Act so repealed ; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed. (2) Subject to the provisions of proviso to sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, by-law or form framed) under the Act repealed by sub-section (1) shall, in so far as it is not inconsistent therewith, be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action under the principal Act so amended • Provided that all forests which immediately before the commencement of the Indian Forest (Punjab Amendment) Act, 1962, are, or are deemed to be First and Second Class Forests under the Act repealed by sub-section (1) shall respectively be deemed to be reserved and protected forests for the purposes of the principal Act as amended by this Act. COMMENTARY Repeal - "Repeal" connotes abrogation or obliteration of one statute by another, from the statute book as completely "as if it had never been passed" ; when an Act is repealed, "it must be considered (except as to transactions past and closed) as if it had never existed". Repeal is not a matter of mere form but one of substance, depending upon the intention of the Legislature. If the intention indicated expressly or by necessary implication in the subsequent was to abrogate or wipe off the former enactment, wholly or in part, then it would be a case of total or pro tanto repeal. If the intention was merely to modify the former enactment by engrafting an exception or granting an exemption, or by superadding conditions, or by restricting, intercepting or suspending its operation, such modification would not amount to a repeal while proceedings were pending. - High Court set aside the award keeping original reference and entrustment of dispute to three arbitrators. Old Act repealed during pendency of proceedings. After repeal of Old Act provisions of new Act applicable. Registrar withdrawing dispute from three arbitrators appointed earlier and referring it to sole arbitrator is competent. Repeal of Act and its effect on bye-laws. - The repeal of an Act will not put an end to a bye-law when it is not inconsistent with the Act. Thus the age of retirement fixed under a bye-law would be protected. 1. Luv.C.T.O. 1975 sccrn). 2. v. Co-operative Agricultural Societies Ltd., 1978 PLJ 190 : 1978 RLR 159 : 1978 PLR 173 : 3. v. AIR 1914 219.