

KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES ACT, 1974 (NO.7 OF 1974)

BE It enacted in the T^h entv-fifth Year of the Republic of India as conunen(('Inent. Act may be Sholt title and 1 called the Kerala \gncultural (*rslt> (\ mendrment) Act, 1974. '2) It shall be deemed to come Into force on the 27 lh dav oi NOX ember. - In sub-section ('2) of section b 1 / section 61 t merulinent o 2 of the Agricultural Unn erslt.\ (he anal ter referred to as the principal \ct). lor the M orcls bc subsututed years' the ords \gmculural t. nivmsltv l' he Kerala Repeal and saving Second \ Inendment) (h (hnance 197 repealed IS here!) v (2) Not" lthstali(hng such repeal an) thmg done or any action taken under the princnpal Act as zunended bv the satd ()rdmance shall be deemed to have been done or taken undel the principal as amended by this Act THE KERA}, \ ON (LTTIN'G ANI) DESTRI C,TION VA TREES \CT, 197-1 or PR eaml)le Sections 2 3 4 5 6 8 IO 11 15 16 .34 Short title extent and commencement Definitions \uthonsed Officers Restriction regarding cutting of saluable trees Restriction 1 egar(hng destruction ot ' aluable trees Islon Penalties ()ffences b} compames PO" ers of authorised officer PO" ers ot entr'. and Inspection Institution of prosecutions Bar of Suits Indemnifi Po" er to make rules PO" er to (Ilfficultles Repeal and Sa•ving 18 THE KERALA ON CU'T' PING ANI) DESTRUCTION' OF VALUABLE TREES ACT, 1974 (Act of 1974) Act to resti ict the cutting and destruction o/ certazn valuable ties zn przvate lands zn the State of Kei ala. F. RE \ S It IS considered necessary to 1 esti i(-t Preajnble the (uttlng and desti of certain \ aluable trees In pnv,tte lands In the State of Kerala, it enacted 111 the 'l' " enty-fifth 01 the Republic 01 BE India as follows — .Short tztle, ea tent and commencenaent —(1) 1 be called the Kerala Restriction on Cutting arid l)estruction of Valuable Trees Act, 1974 ('2) It extends to the hole of the State 01 Kerala. be to lla' c come Into force on the '22nd day of J an ua ry, 2 Definztzons — equires (a) ' 'authorised officer' Ineans sect 3 , In relation to any (b) e to" ner• the context other" l.se an oilicer appomted under land, Includes a mortgagee lessee or other person having right to possession and en joyment 01 that land; 'plantation' • means any land used principall.\ for the cultl- (c) atlon ot tea, coil ee, cocoa rubber, cardamom or cinnamon and Includes lands Interspersed withm the boundame.s ot the area p rincpally cultn dted "'lth such crops; (d) ' eprscrl lbed ' means prescnbed by rules Inade undel this aluable tree' means sandanvood tree, rosevood tree 01 teak tree luth011.qed officel —The Govern:ment ynay, by notification 3 m the Gazette, appoint such officers as think fit t(.) be authorised officers for the purposes of this Act and may assign to them such local limits as they tlunk fit •Received the assent of the Governor on 1974 and published In the Gazette 12th March 1974 the 12th day of March. Extraordinary No 277 dated 19 4 Restrztctzon regarding cutting of valuable trees - (1) owner of an.' land anclu(hng a plantation). and no person clannmg under him or an,' other person. shall "lthout the preh ious pern•ns- of the authorised officer. cut anx sandal" ood tree or rose" ood t! ee from that land (2) No 0". ner of an} plantation, and no pcuson Claiming under 111m or any other person, shall, without the tous pern-nssuon of the authorised officer. cut an s, teak tree from that plantation 5 Restrictetion regal (11 ng desti uctæon o/ vuluable trees.— (i person shall, without the prei ious pern-nsston of the officer. destroy any tree or rosc'V00(l trec or plant of any such tree or do anx act which (lil-mynshes the ' alue 01 am such tree or plant (2) No person shall, "lthout the 1M e'. lous permission of the authonscd officer, destroy any teak tree or plant of such tree standing In a plantation or do any act which dmnrushes the salue of an h such tree or plant 6 Revzston The GO' ernment ma), either suo motu or on application any person aggrue' ed, call and exanune the record of any order passed bx the authorised officer under sub- section (1) or sub-section (2) of section 4 or under sub-section (i) or sub-section (2) of section 5, for the purpose of satisfying them- sehes as to the legality, propriety or regularity of such order and pass such order thereon as thev think fit (2) "The GO', eunment shall not of their own motion rei lse anv 01 (ler under sub-section (1) If that order has been passed more than three months previously (3) An application under sub-section aggrieved person shall be made 'Hthltl a perxod of t" o months I rom the date on which the order In question was communicated to him • Pro' lded that the Gm ernment max admit an application made after the of the said period of t" o months If they are satisfied that the applicant had sufficient cause lor not making the application "lthin that period i 4) --\il order prejudicial to a pelson shall not be passed under sub-section (1) unless that a reasonable per son has been gn en opportunity ot shcnvmg cause against such order —An order declimng to intertere shall purposes of thus sub-section. be deemed to be an order to a person 20 Penalties — iVhoe' eu contravenes

the provisions of section (1) or sub-section (2) of section 4 or sub-section (1) or sub-section (2) of section 5 or the terms and conditions subject to which a permission has been granted under any of the said provisions, shall be punishable— In the case of a first offence the punishment shall extend to six months, or with fine not exceeding one hundred rupees, or both; and in the case of a second or subsequent offence, the punishment shall not be less than one month but may extend to six months and the fine shall not be less than one thousand rupees but which may extend to five thousand rupees.

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 management or the conduct of the business of the company, 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 who 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 neglect on the part of the director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also 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, "company" means a company or other association of individuals, and "director" in relation to a firm, means a partner in the firm.

(1) In a society or other association of individuals entitled under the rules, means the person who is, or is acting as, the managing officer of the affairs of the society or other management of association, as the case may be.

21. Authorised officer.— The authorised officer shall perform the functions under this Act as may be entrusted to him by the Government. The authorised officer may, in the exercise of the powers conferred on him by or under the Code of Criminal Procedure, 1908 (Central Act No. 2 of 1908), summon any person and examine him on oath and may cause to be taken any document or evidence in connection with the offence.

(a) summoning and enforcing the attendance of any person and examining him on oath (b) inspecting the premises and documents of any person, and (c) of any other matter which may be entrusted to him by or under the Code of Criminal Procedure, 1908.

22. Power to make rules.— The Government may, by order, make rules for carrying out the purposes of this Act, subject to the condition that any rule made under this Act shall be laid, as soon as may be after it is made, before the Legislature for its consideration.

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