



GOVERNMENT OF GOA

NOTIFICATIONS/ORDERS ISSUED BY
THE GOVERNMENT

UNDER

INDIAN FOREST ACT, 1927,

WILDLIFE (PROTECTION) ACT, 1972

GOA PRESERVATION OF TREES ACT, 1984 etc.

&

RULES MADE THEREUNDER SINCE 1980



Legal Cell

53

PROFORMA

Sr. No.	Title of the Rule/ Regulation/Sub-rule/ bye-law schemes Under the act	Name of the Act under which rules are Framed	The section under which provision of the Act these rules are made authorities to whom the powers to frame them are delegated	Date of Notification/ order & notice issued by the	Date of laying on the Table of house	If not laid state the reason
1	2	3	4	5	6	7
1.	Preservation of Trees Rules 1983	Ordinance GPTA - 1984	Ordinance GPTA-1983	23-12-1983	Not laid	Being a new procedure subject after declaration Goa as a State, it skipped attention. Proposed to be laying during ensuing Assembly Session.
2.	Preservation of Trees Act, 1984	GPTA - 1984	GPTA-1984	23-8-1984	— do —	
3.	Exemption of maintenance of Electric Lines from the purview of GPTA - 1984	GPTA - 1984	Sec.31	6-12-1983	— do —	
4.	Exemption of area under Industrial Development Corporation from the purview of GPTA - 1984	GPTA - 1984	Sec.31	23-12-1985	— do —	

1	2	3	4	5	6	7
5.	Regulation of transport of timber in and out of Goa	I. F. A. 1927	Sec. 41	23-3-1985	— do —	
6.	Delegation of powers to sub-ordinate Officer under GPTA 1984	GPTA - 1984	Sec. 33	24-6-1985		
7.	Delegation of powers to compound offence case	GPTA-1984	Sec. 22	21-6-1985	— do —	
8.	Delegation of powers	I. F. (Goa Amend) Ordinance 1887	Sec. 61-A	26-10-1987	Not layed	
9.	Delegation of powers	I. F. (Goa Amend) Ordinance 1887	Sec. 61-C	26-10-1987	— do —	
10.	Indian Forest (Goa Amendment) Act 1988	I. F. (Goa Amendment) Act 1888	Sec. 41, 42, 53, 56, 57, 58, 59, 60 and 61	8-8-1989	— do —	
11.	Regulation of timing for transport of timber	I. F. A. 1927	Sec. 32, 41, 51	20-2-1989	— do —	
12.	Ban on felling of mangrove Trees for a period of 10 years	GPTA-1984	Sec. 32	11-9-1990	— do —	

1	2	3	4	5	6	7
13.	Delegation of Financial Powers to CF and DCF	Const. of India	Clause (1) Article 299	5-2-1990		
14.	Permission of felling of Trees by Govt. Dept.	GPTA-1984	Clause (J) Sec. 2	15-11-1991	— do —	
15.	Exemption of Cashew Trees from applicability of GPTA-1984	GPTA-1984	Sec. 31	22-12-1994	— do —	
16.	Delegation of powers to FSO under W.L.P.A. 1972		WLPA-1972	Sec. 26	20-2-1998	
17.	Confiscation of seized offence material IFA 1927	IFA-1927	Sec. 61 (A)	11-3-1998	— do —	
18.	Exemption of fees to the students for entry in W. L. Sanctuary	WLPA-1972	Sec. 46 & 47	27-10-1998	— do —	
19.	Delegation of powers to Sub-Divisional Officer under GPTA-2001	GPT(A) A 2001	Sec. 2 (K) read with Sec. (5)	14-12-2001	— do —	
20.	Compounding of offence by DCFs GPTA 2001	GPTA (A) A 2001	Sec. 2 (K) read with Sec. (5)	26-12-2001	— do —	

1	2	3	4	5	6	7
21.	Permission to cut tree by Sub-Divisional Officer under GPTA - 2001	GPT (A) A 2001	Sec. 35	26-12-2001	— do —	
22.	Delegation of powers to Direct (WL)	WLPA 1972	Sec 5 (2)	22-02-2002	— do —	
Note: 1. GPTA-1984 : Goa Presevation of Trees Act 1984 2. WLPA - 1972 : Wild life (Protection) Act 1972 3. IFA - 1927 : Indian Forest Act 1972) 4. GPT (A) A-2001 : Goa Preservation pf tree (Amendment) Act 2001 5. I. F. (Goa Amend) Ordinance 1987 : Indian Forest Goa Amendment Ordinance 1987.						

Forest and Agriculture Department

Notification

7-2-77-FOR

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984), the Government of Goa, Daman and Diu hereby appoints the 23rd of August, 1984 as the date on which the provisions of the said Act shall come into force in the whole of the Union Territory of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 23rd August, 1984.

[Published in the Official Gazette (Extraordinary)
Series I, No. 21, dated 23-8-1984]

Department (Legal Advice)

Drafting Section

Notification

LD/9/7/84-(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 1st day of August, 1984 and assented to by the Administrator of this United Territory on 16-8-1984 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (drafting).

Panaji, 20th August, 1984.

The Goa, Daman and Diu Preservation of Trees Act, 1984

(Act No. 6 of 1984)

AN

ACT

to provide for the preservation of trees in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-Fifty Year of the Republic of India as follows:-

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Preservation of Trees Act, 1984.

(2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

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

(a) “Appellate Authority” means an authority appointed by the Government as appellate authority under this Act.

(b) “blank area” means any piece of land (not being under cultivation) measuring one-half of an hectare or more, which has five or less number of trees growing on it per every half hectares;

(c) “Conservator of Forests” means the Conservator of Forests, Goa, Daman and Diu.

(d) “Deputy Conservator of Forests” means a Forest Officer in-charge of a Forest Division and exercising jurisdiction over the area;

(e) “Government” means the Government of Goa, Daman and Diu;

(f) “forest produce” includes—

(a) the following whether found in, or brought from, a forest or not, that is to say —

timber, charcoal, caoutchouc, catechu wood-oi, resin, natural varnish, bark, lac, mahua flowers, mathus seeds, kuth and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) plants not being tree (including grass, creepers, reeds and moss), and all parts or produce of such plants.

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts of produce of animals, and

(iv) pear, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);

(g) “notification” means a notification published in the Official Gazette;

(h) “rural area” means an area as specified in Schedules I and II;

(i) “to fell a tree” with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bull-dozing, cutting, girding, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(j) “tree” means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetres in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level;

(k) "Tree Officer" means a Forest Officer appointed as such by the Conservator of Forests for the purposes of this Act;

(l) "urban area" means an area comprised in a Municipality and includes such area as may be notified as urban area by the Government from time to time for the purposes of this Act;

(m) "wood lot" means any piece of land of which tree form the main crop, the number of such trees in each hectare being not less than twenty five.

(n) "prescribed" means prescribed by rules made under the Act;

(o) words and expressions used in this Act and defined in the Indian Forest Act 1927 but not defined in this Act, shall have the meanings respectively assigned to them in that Act. Central Act
16 of 1927.

CHAPTER II

Tree Authority

3. *Establishment of the Tree Authority.*— (1) The Government shall, by notification, constitute a Tree Authority for each revenue district in the Union territory of Goa, Daman and Diu.

(2) The Tree Authority shall consist of the following members, namely:—

(i) Development Commissioner or any other officer not below the rank of Secretary to the Government nominated by the Government—Chairman;

(ii) Collector of the concerned revenue District—Member.

(iii) Two Members of the Legislative Assembly nominated by the Government—members

(iv) Two Representatives of the local bodies nominated by the Government—members.

(v) Conservator of Forests or his nominee — members-Secretary.

(3) The Tree Authority may co-opt as members in such manner and for such period as it may determine not more than three representatives of non-official organisations and Government Departments having special knowledge on practical ex-perience in the preservation of trees.

4. *Meeting of the Tree Authority.*— (1) The Tree Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the Tree Authority shall be tree members referred to in such-section (2) of section 3.

(3) No co-opted members shall have the right to vote at a meeting.

(4) In the case of an equality of votes on any matters, the Chairman shall have a second or casting vote.

CHAPTER III

Officers and Servants

5. *Appointment of Tree Officer.*— The Conservator of Forests may, appoint one or more Forest Officers of a rank not below that of a Deputy Conservator of Forests, as here officers for the purposes of this Act.

6. *Appointment of other Officers.*— The Conservator of Forests may, from time to time, appoint such other officers and servants as he may consider necessary who shall be subordinate to the Tree Officer.

CHAPTER IV

Duties of Tree Authority

7. *Duties of Tree Authority.*— Notwithstanding anything contained in any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for—

(a) the preservation of all tree within its jurisdiction.

(b) carrying out census of the existing trees and obtaining, whenever considered necessary, declaration from all owners or occupants about the number of trees in their lands;

(c) specifying standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to a minimum of five trees per hectare in the case of rural areas;

(d) development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;

(e) planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;

(f) organisation of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;

(g) planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores;

(h) undertaking such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;

(i) undertaking critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, having out of electric telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and

(j) promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic sports in cities, towns and villages for the use and recreation of public.

CHAPTER V

Restrictions of felling and removal of trees and liabilities for preservation of trees

8. *Restriction on felling and removal of tree.*— Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as produced in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer:

Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

9. Procedure for obtaining permission to fell, cut, remove or dispose of a tree.— (1) Any person desiring to fell or remove or otherwise dispose of by any means a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of the documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measured at a height of 1.85 metres from ground level and the reasons therefore, survey sketch showing clearly the site and survey numbers of the property.

(2) On receipt of the application, the Tree officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in which or in part or for reasons to be recorded in writing refuse permission.

Provided that such permission shall not be refused if the tree—

(i) is dead, diseased or wind-fallen; or

(ii) is silviculturally mature provided it does not occur on a steep slope; or

(iii) constitutes a danger to life or property; or

- (iv) constitutes obstruction to traffic; or
(v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or

(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof or any part thereof for bonafide use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree officer fails to communicate his permission of refusal within the period specified under sub-section (3), the permission referred to in section 8 shall be deemed to have granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

10. *Obligation to plant trees.*— Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission, as may be directed by the Tree Officer.

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.

11. *Planting of adequate number of trees in blank area.*— (1) Every owner of land shall, within a period of two years from the date of commencement of this Act or within such extended period as the Tree Authority may specify in this behalf, plant trees in blank areas so as to conform to the standards specified by it under clause (c) of section?

(2) Where the Tree Officer is of the opinion that the number at trees in any land is not adequate according to the standards referred to in sub-section (1), he may issue a notice to the owner of such land to show cause as to why trees as may be specified in such notice should not be planted in such land.

(3) The notice referred to in sub-section (2) shall be given in such form and shall contain such particular and shall be served in such manner as may be prescribed.

(4) The Tree Officers may after considering the cause, if any shown by the owner of such land, direct him to plant such number and class of trees as may be specified in the direction.

12. *Preservation of trees.*— (1) Subject to the provisions of section 14, if shall be the duty of the owner of the land to comply with an order made under section 9, or a direction issued under section 10 or section 11 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners shall effectively protect all the trees growing in the lands or the areas under then control and where the Tree officer is of the opinion that adequate measures have not been taken to protect the trees from are damage, he may direct the owner to take such measures as are considered necessary to protect trees from damage. In case of default, the tree officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner.

13. Implementation of order

..... Every person who is under an obligation to plant trees under an order made under section 9 or a direction given under section 10 or section 11 shall start preparatory work within thirty days of the date of receipt of the or direction, as the case may be, and shall plant trees in accordance with such order or direction in the ensuing or following rainy season or within such extended time as the Tree Officer may allow and shall provide adequate and effective protection to the trees that exist or are planted in the land or the area from any damage.

(2) in case of default by such person, the Tree officer may cause trees to be planted and may recover the cost of plantation from such person in the prescribed manner.

14. *Adoption of tree.*— Notwithstanding anything contained in this Act or in any other law for the time being force, the Tree Authority may, subject to such terms and conditions as it may specify in that behalf, after giving notice to the owner of the tree to show cause, if any, as to why the tree should not given in adoption, allow, by a written permission, any body corporate or institution to adopt the tree for such period as may be specified in the permission and during such period, the said body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

15. *Appeal.*— (1) An appeal shall lie against the order or direction of the Tree Officer under sections 9, 10, 11 and 12 to the Appellate Authority within a period of thirty days.

Provided that an appeal may be admitted after the expiry of the said period of thirty days if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within that period.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and shall be accompanied by a fee of rupees ten.

(3) In disposing of an appeal, the Appellate Authority shall follow such procedure as may be prescribed.

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

CHAPTER VI

Penalties and Procedure

16. *Seizure of property.*— where the Tree Officer has reasons to believe that an offence under this Act is committed in respect of any tree, he may seize the tools, implements, any boats, vehicles, animals or other

conveyances used for the commission of the said offence, alongwith the tree or part thereof which has been severed from the ground or the trunk, as the case may be.

17. *Forfeiture of timber and other produce from the tree, implements used for felling and the vehicle and animal used for transport of such trees.*— (1) Where any person is convicted of an offence under this Act, any timber or the tree in respect of which an offence is committed, the tools and implements used for felling, and any boats, vehicles, animals or other conveyances used for its, transport, may be ordered by the court to be forfeited to Government.

(2) Any timber produce from the tree, tools and implements etc. and any boats, animals or other conveyances forfeited under sub-section (1) shall be disposed off by the Tree Officer in such manner as may be prescribed.

18. *Power to release property seized under section 16.*— The Tree Officer may release the property seized under 16 if the owner of the land executes a bond in such form as may be prescribed for its production whenever required.

19. *Power to arrest without warrant.*— (1) Any tree Officer or Forest Officer not below the rank of a Forest Ranger or a Police Officer not below the rank of a Sub-Inspector may, without a warrant, arrest any person reasonably suspected of having been concerned in any offence under this Act, and such person refuses to give his name or address or gives a name or address which the concerned officer has reason to believe to be false or if he has reason to believe that the person will abscond.

(2) Any person arrested under sub-section (1) shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate having jurisdiction in the case without twenty four hours of such arrest excluding time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of the magistrate.

20. *Power to release person arrested.*— Any officer who has arrested any person under the provisions of sub-section (1) of section 19 may release such person on his executing a bond with proper surety to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the

Police or the forest Officer not below the rank of Deputy Conservator of Forests or the Tree Officer.

21. *Power to prevent commission of offence.*— Every tree Officer or his subordinates or any Forest Revenue or Police Officer shall prevent and may interfere for the purpose of preventing the commission of any offence under this Act.

22. *Power to compound offence.*— The Government may, by notification, empower of tree Officer or any Forest Officer not below the rank of Deputy Conservator of forests.—

(a) to compound any offence committed under this Act on payment of—

(i) a sum not exceeding rupees ten thousand by way of composition for the offence which such person is supported to have committed, and

(ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed.

(b) to release any property seized or liable to confiscation, on payment of the value thereof, as estimated by such officer and the amount determined as payable for composition of the offence as ordered by the Tree Officer or any forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such Officer, the property seized and the offender, if in custody, shall be released and to further proceedings shall be taken against such offender or property.

23. *Contravention of Act to be reported by certain Officers.*— It shall be the duty of every forest officer, Panchayat Secretary, Police Constable or any Officer superior to him and every Officer of the Departments of Agriculture, Land Survey and Revenue.—

(a) to give immediate information coming to his knowledge, of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forest.

(b) to take all reasonable measures in his power to prevent such contravention which he may know or have reason to believe that it is about or likely to be committed.

24. *Offences by Companies.*— (1) If the person committing an offence under this Act is a Company, the Company as well as every person incharge of and responsible to the Company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a Company and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, treasurer or other officer of the Company such director, manager, secretary, treasurer or other officer of the company 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 — (a) “Company” means any body corporate and includes a firm or other association of individuals; and

(b) “Director” in relation to a means a partner in the firm.

25. *Penalty.*— (1) Any person who contravenes any of the provisions of this Act, or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Every Forest Officer or Police Officer who vexatiously and unnecessarily arrests or seizes any property on pretence of such property being liable to forfeiture under this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

26. *Award of penalty or forfeiture not to interfere with other punishment.*— The award of penalty or forfeiture of any property under this Act shall not prevent the inflicting of any punishment to which the person affected thereby is liable under any other law.

CHAPTER VII

Miscellaneous

27. *Officers to be public servants.*— The officers exercising powers or discharging any duties or functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Central Act 45 of 1860.

28. *Bar of proceedings.*— No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.

29. *Executions of order for payment of money.*— Any sum including any amount for composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

30. *Act not to apply to certain areas.*— Nothing in this Act shall apply to the Government, a Government forest under the control of the forest Department, a forest or forest land notified under the Central Act Indian Forest Act, 1927. Central Act 16 of 1927.

31. *Power of the Government to exempt.*— Subject to such conditions, if any, as may be imposed, the Government may, if it consider it necessary so to do in the public interest, by notification, exempt any area or any species of trees from all or any of the provisions of this Act.

32. *Power of the Government for Preservation of trees.*— (1) The Government may in the interest of general public, declare by notification

that any class of tree shall not be felled for such period as is specified in that notification.

(2) The management of such trees shall be regulated in the prescribed manner.

33. *Investing Tree Officer with certain powers.*— (1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely:—

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) powers of a civil court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search warrant under the Code of Criminal Procedure, 1973;

(d) power to hold enquiries into offences under the Act and in the course of such enquiry to receive and record evidence.

(e) power to take possession of property under the Act;

(f) power to direct release of property or withdrawal of charges; and

(g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate if such evidence has been taken in the presence of the accused person and recorded in the manner provided by section 274, section 276 or section 277 of the Code of Criminal procedure, 1973.

34. *Transit of felled material.*—The provisions of section 41 of the Indian Forest Act, 1927 and Chapter V of the Goa, Daman and Diu forest Rules, 1964 shall *mutatis mutandis*, apply to the transit of the felled trees under this Act. Central Act 16 of 1927.

35. *Power of the Government to give direction.*—The Government may from time to time give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act and such Officers and other officers shall comply with the directions issued.

36. *Power to make rules.*—The Government may, by notification, make rules to carry out the purpose of this Act.

37. *Provision of this Act to be in addition to any other law for the time being in force.*—Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Act and rules made thereunder.

38. *Repeal and saving.*—The Goa, Daman and Diu Preservation of Trees (No. 2) Ordinance, 1984 (Ordinance No. 2 of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

SCHEDULE I

(See section 2)

Areas comprising of land, outside the urban cultivation of coconut, areca-nuts, rubber, cocoa, mango, sapota or any other horticultural crop, including woodlots and land belonging to the Government and leased out in favour of others.

SCHEDULE II

(See section 2)

Area comprising of land, outside the urban areas other those included in Schedule I.

Secretariat,
Panaji-Goa.

U. D. SHARMA
Secretary to the Government
of Goa, Daman and Diu,
Law Department (Legal Advice).

Dated:- 20th August, 1984.

[Published in the Official Gazette (Extraordinary) Series I,
No. 31, dated 38-8-1984].

Forest and Agriculture Department

Notification

7-1-83-FOR-Part-II

In exercise of powers conferred by section 36 of the Goa, Daman and Diu Preservation of Trees Second Ordinance, 1983 (Ordinance No. 2 of 1983), the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Preservation of trees rules, 1983.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Form" means a Form appended to these rules;

(b) 'Ordinance' means the Goa, Daman and Diu Preservation of Trees Second (Ordinance, 1983 (Ordinance No. 2 of 1983));

(c) "Section" means a section of the Ordinance;

(d) Words and expressions which are used in these rules or in the Ordinance shall have the meaning respectively assigned to them in the Indian Forest Act, 1927 (Central Act 16 of 1927).

3. *Form of Report.*— Every report under section 8 shall be made in Form 'A'.

4. *Form of Application under section 9.*— (1) Every application for permission for felling a tree shall be made in Form 'B'.

(2) Every application for removal or disposal of a tree or forest produce shall be made in Form 'C'.

(3) Court fee stamps of the value of Rs. 1.50 paise (Rupee one and fifty paise only shall be affixed on every application made under this rule.

5. *Form and Register.*— A register of applications made under section 9 shall be in Form 'D'.

6. *Form of Permission.*— The permission which may be granted under section 9 shall be in one of the following Form and shall be subject to the terms and conditions specified therein:—

(i) in respect of felling of a tree ... Form E.

(ii) in respect of removal or disposal of a tree or forest produce ... Form F.

7. *Obligation to plant trees.*— The Tree Office, while granting permission to fell or dispose of a tree or forest produce under section 9 shall, after giving the applicant a reasonable opportunity of being heard and having due regard to his wish for planting any particular kind of tree, his capacity to plant the required kind and number of trees and also the nature of

land, make an order directing the applicant to plant such number and kind of trees as deemed proper by him.

8. *Form of Notice.*— The notice to be given under sub-section (3) of section 11 shall be in Form 'G'.

9. *Preservation of trees.*— (1) Where a Tree Officer has reason to believe that the owner or occupier of any property has failed to carry out any direction given by him under the Ordinance or these rules with regard to the taking of measures for the protection of any tree in such property, he shall issue a notice in Form 'H' to such owner or occupier of the property, as the case may be.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard and having due regard to his wishes in capacity and nature of law, make an order, specifying the measures which he proposes to take for protection of the tree and the cost thereof, which such owner or the occupier shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

10. *Implementation of orders made under section 9, 10 or 11.*— (1) Where the Tree Officer has reason to believe that any person has failed to carry out the obligations regarding planting of trees pursuant to an order made under section 9 or a direction given under section 10 or 11, he shall issue a notice in form 'I' to such person.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard, as regards the cost of which the trees shall be planted or the measures for the protection of the trees shall be taken by him, pass an order, as regards the cost, which such person shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

11. *Procedure of Appellate Authority.*— (1) Every petition of appeal shall be presented to the Appellate Authority in person or through a legal practitioner or a duly authorised agent.

(2) Every petition shall state succinctly the grounds of appeal and the relief prayed for.

(3) The Appellate Authority shall, on receipt of a petition of appeal, cause it to be registered in Form 'J' and give notice of such appeal to call persons concerned who, in his opinion, may be interested in the same.

(4) the Appellate Authority may, after holding such enquiry as it deems fit and after giving the persons concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against or pass such order as it may deem fit.

12. *Record of forfeited property.*— The Tree Officer shall maintain a register of the property forfeited to the Government under section 10 in Form 'K'.

13. *Preparation of valuation report of forfeited Property.*— (1) On receipt of the property forfeited to the government, the Tree Officer shall prepare a valuation report of such property.

(2) In preparing the valuation report, the Tree Officer shall give due regard to the condition of such property and shall follow the instructions issued by the Government from time to time in the matter of preparing such report.

(3) The Tree Officer shall make a report alongwith a copy of the valuation to the conservator of forest and dispose of the forfeited property in accordance with the instructions issued by the Conservator of Forests from time to time in that behalf.

14. *Release of seized property.*— The bond to be executed by the owner or occupant for release of the property seized under section 16 shall be in Form 'L'.

15. *Management of certain classes of trees.*— (1) Every owner or occupant of the land on which trees notified under section 32 exist shall, within 60 days of the date of the Notification, number such trees and furnish the following particulars of such trees to Tree Officer, with a copy thereof to the Conservator of Forests:—

(1) Specieswise number of the trees.

(2) Age of the trees.

(2) Where such owner or occupant is not in a position to number such trees and make a report within the specified period in sub-rule (1), he may seek extension of time for making such report and the tree Officer, if satisfied with the reasons given, may extend the time limit by another 30 days.

(3) the Tree Officer shall cause all such trees to be marked by suitable identification marks, within 60 days of the date of receipt of the report under sub-rule (1) or sub-rule (2) and report compliance to the Conservator of forests.

(4) The Tree Officer shall also keep a record of such trees in a Register in Form 'N'.

16. *Service of Notice.*— (1) Every notice under the Ordinance or these rules may be served in any of the following manners namely:—

(a) by delivery or tender of a copy of the notice to the addressee or his agent or other person duly authorised to receive notice on his behalf;

(b) by registered post acknowledgement due; provided that if the Tree Office is satisfied that the addressee is deliberately avoiding service or if, any reason, the notice cannot be served by any of the above methods, he shall order the service of the notice by affixing, in the presence of two witnesses, who are residents of that locality, on some conspicuous part of the place of business or the place of ordinary residence of the addressee and such service shall be effective as if it had been made on the addressee personally.

(2) When the serving Officer delivers or tenders the notice to the addressee personally or to his agent or other person on his behalf, he shall obtain the signature or thumb impression of the person to whom the notice is so delivered or tendered, on the copy of the notice and take a report thereon of such delivered or tender and return the same to the Tree Officer.

(3) When the notice is served by affixing the same in accordance with sub-rule (1), the serving officer shall return the copy thereof to the Tree Officer who issued the notice with a report endorsed thereon stating that he has so affixed the notice, the circumstance under which he did so and the names and address of persons, who, identified the place of business or ordinary residence of the addressee and in whose presence the notice was so affixed.

(4) When service by post is effected by correctly addressing, pre-paying and posting the notice by registered post with acknowledgement due, then unless contrary is provided, the said service shall be deemed to have been effected at the time at which the notice would have been delivered in the ordinary course of transmission.

(5) If the person to whom the notice was issued does not appear at the appointed time, the tree Officer may, if he is satisfied from the report of the serving officer or the postal acknowledgement, or after taking such evidence as he deems proper, that the notice has been served in accordance with this rule, pass an order to that effect and proceed to

dispose of the matter, if he is satisfied that the notice has not been properly served, he may direct the issuance of a fresh notice.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the government of Goa, Daman and Diu.

Panaji, 23rd December, 1983.

FORM A

(See rule 3)

The Tree Officer,

...

...

Sir,
I have to report that I have felled on (date) at (time) (number)/tree/trees from the property owned by me/under my occupation in the village Taluka and district ... I declare that if the said tree/s had not been immediately felled, it/they would posed grave danger to life/Property/traffic (delete inapplicable works).

2. The following details are furnished:—

- (i) Name and full address of the signatory (In Block letters).
- (ii) Title in respect of land in which tree(s) was/were situated.
- (iii) Location of the site from which tree/s felled (given name and survey number of plot and indicate as clearly as possibly the actual situation of the tree)
- (iv) (a) Species of the tree felled
(b) Its approximate age
(c) Its girth measured at a height 1.36 metres from ground level.
- (v) Justification for felling the tree/trees (Here described the way in which the tree posed danger and the reasons why you could not wait to seek permission for cutting it).

Place:—

Date:—

SIGNATURE

FORM B

(See Rule 4.1)

The Tree Officer,

.....
.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village Taluka District I furnish below the following details in support of my application:—

- i) Applicant's name and address :
(In block letters)
- ii) Name and address of the owner of the property (if different from applicant) :
- iii) Title of the applicant i.e. whether owner/occupant of the property, etc. :
- iv) Name and serial number of property :
- v) Total area of the property with description of the boundaries :
- vi) Total number of trees (species-wise) whose trunk or body is not less than 5 cm. in diameter at a height of 30 cms. from the ground and whose height is not less than one metre from the ground :
- vii) The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries) :
- viii) Total number of trees to be felled :
- ix) Trees to be felled are numerically numbered in paint, their girth numbered at a height of 1.35 metres from ground level and their details specieswise are :

- x) Purpose for which the felling of trees are intended :
- xi) Intended use of felled trees (e.g. for sale, for domestic use, etc.) :
- xii) Intended use of land after felling of trees:
- xiii) Number and species of trees intended to be planted after felling (give details of arrangements for raising, planting and protecting trees) :
- xiv) Name/s and address/es of the owners/occupants adjoining property/ies :

2. I am enclosing an affidavit that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

DECLARATION

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place:—

Date:—

Applicant's Signature

Attested copies of:—

- i) Property/occupancy documents.
- ii) Plan of the property showing the survey number.
- iii) Enumeration list (duly signed by the applicant).
- iv) Boundary list (duly signed by the applicant).
- v) Latest index of land record issued by the Mamlatdar.
- vi) "No Objection Certificate" from Administrator of Comunidade.
- vii) "No Objection Certificate" from adjoining property owners.

Affidavit

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged years, resident of (locality), village, Taluka, Goa District, wife/son/daughter of do hereby solemnly affirm and declare as under:—

1. That I am the legal owner/occupant of the private property known as "....." situated at village, ... Taluka bearing cadastral survey number of, boundaries of which are as follows:—

East:
West:
North:
South:

2. that I have applied to the Tree Officer, ... for permission to fell (number) trees from the aforesaid property. All the trees have been numbered with paint.

3. That there is no other owner/occupant of this property or of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/occupancy of the said property or the forest produce from the said property.

4. I hereby solemnly declare and affirm that to the best of my knowledge and belief the information is correct and true and nothing material has been concealed and is false.

Place:—

Date:—

Deponent

FORM C

[See rule 4 (2)]

To,
The Tree Officer and
Dy. Conservator of Forests,

.....
.....

Sir,

I apply for grant of permission for removal and disposal of tree/s located in the property situated in the village, Taluka and District I furnish below the details in support of my application:—

- i) Applicant's name and address (in block letters) :
- ii) Name and address of the owner of the property (if different from applicant) from which trees were felled :
- iii) Title of the applicant i.e. whether owner/occupant of the property, etc. from which trees were felled :
- iv) Name and serial number of the property from which trees were felled :
- v) Total area of the property with description of the boundaries :
- vi) Total number of felled trees (specieswise) whose trunk or body is not less than 5 cm. in diameter at a height of 30 cm. from the ground and whose height was not less than one metre from the ground:

vii) Describe the circumstances under which the tree/s was/were felled i.e. whether the tree(s) was/were felled after obtaining the permit (a copy of the permit is to be enclosed) or under the proviso to section 8 of the Ordinance or had fallen due to natural causes, etc. :

viii) Details of material obtained from the felled tree :	First class timber	... cu.m
	Second class mati	... cu.m
	Second class (other)	... cu.m
	Third class timber	... cu.m
	Firewood	... cu.m
	First class poles	... Nos.
	Second class poles	... Nos.
	Third class poles	... Nos.

- ix) the number in which the material would be removed i.e. by road, rail, waterways and the mode of transport :
- x) Transit route :
- xi) Removal of the material completed by (date) :
- xii) The material is intended to be disposed in the manner indicated below:—

	Quantity	
a) For self use :	First class timber	... cu.m
	Second class mati	... cu.m
	Second class (others)	... cu.m
	Third class timber	... cu.m
	Firewood	... cu.m
	First class poles	... Nos.
	Second class poles	... Nos.
	Third class poles	... Nos.

Quantity

b) By sale : First class timber ... cu.m.
 Second class mati ... cu.m.
 Second class (others) ... cu.m.
 Third class timber ... cu.m.
 Firewood ... cu.m.
 First class poles ... Nos.
 Second class poles ... Nos.
 Third class poles ... Nos.

c) Name(s) and full address(es) of the persons/parties to whom the material would be disposed by sale :

d) Licence number of the purchased (if purchaser is holder of a licence issued by Forest Department) :

I am enclosing below mentioned papers in support of my application.

Declaration

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place:—

Date:—

Applicant's Signature

Attested copies of:—

- Property/occupancy documents.
- Plan of the property showing the survey number.
- Boundary list (duly signed by the applicant).
- Latest Index of Land Record issued by the Mamlatdar.
- Report, if any, made pursuant to proviso to section 8 of the Ordinance.
- Permit, if any, granted by the Tree Officer.

FORM D

(See Rule 5)

Register of Applications

Sl. No.	Name and address of the applicant	Date	Details of the application			Last date for disposal
			Date of receipt	For felling or removal/disposal	to the applicant	
1	2	3	4	5	6	
Name of the village of which trees to be felled or removed/disposed is/are situated						
7	8	9	10	11		

FORM E

(See Rule 6)

Tree Officer and Dy. Conservator of Forests,
 Government of Goa, Daman & Diu
 Forest Department.

Dated: / /198...

Sub.:— Permission to fell trees.

With reference to his/her application dated for grant of permission to fell trees, Shri/Smt. is hereby informed that he/she is granted permission to fell the tree/s (as per details indicated below) from the private

property known as survey No. situated at subject to the satisfaction of the terms and conditions hereinto specified:—

Details of Trees

Sl. No.	Species of trees	No. of trees
1	2	3

()
Tree Officer and
Dy. Conservator of Forests.

Shri/Smt.
.....
.....

Terms and Conditions

1. The Range Forest Officer shall mark the trees before cutting them.
2. Permission to fell the trees is granted as his/her own risk and without prejudice to the claim(s) of any other person/s who may be having any right(s) over the land or the trees.
3. Felling of trees shall be completed within days.
4. Material produced from felled trees shall not be removed or disposed without permission of the Tree Officer.
5. He/she shall replant trees, as per details given below during the ensuing/next planting season i.e. commencing from June, ... to August, ... in the property from which the trees will be felled.

Sl. No.	Species	No.
1	2	3

6. He/she shall deposit a sum of (Rupees) as security in the office of before starting felling of the tree/s for ensuring the replanting of the trees indicated at serial No. 5 above.

7. In the event of failure on the part of the permit holder to replant the trees as indicated at serial number 5 above, then the Tree Officer shall himself arrange to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the Permit holder or failing that, by recovery as arrears of land revenue.

Copy submitted to:—

- (i) The Conservator of Forests for information.
- (ii) The Range Forest Officer, Mobile Squad, Ponda for information.

FORM F

(See Rule 6)

Tree Officer and Dy. Conservator
of Forests,
Government of Goa, Daman & Diu,
Forest Department.

....
....
Dated: / /198...

Sub.:— Permission to remove/dispose off trees.

With reference to his/her application dated for grant of permission to remove or dispose of felled tree/s or forest produce, Shri/Smt. is hereby informed that he/she is granted permission to remove or dispose off the material (as per details indicated below) from the private property known as survey number situated at subject to the terms and conditions hereunder specified:—

Sl. No.	Description of the material	No.	Volume	No. of trips by which removal will be completed	Period of validity of the permit
---------	-----------------------------	-----	--------	---	----------------------------------

1	2	3	4	5	6
---	---	---	---	---	---

- (i) From to
(ii) Mode of transport
(i.e. by rail, sea or road).
(iii) Route
(iv) Vehicle/Vessel No.
(v) Name of the driver/indul
(vi) Manner of disposal (if it is by sale, name, address and licence No. ... of purchaser be indicated).

()
Tree Officer and
Dy. Conservator of Forests.

Form G

(See Rule 7)

Notice

Whereas Shri/Smt. is the owner/occupant of the property known as bearing survey number and situated in the Village Taluka and District

And whereas I, Shri (name) (designation)/had inspected his/her property on/have received a report from regarding the number of trees in aforesaid proeprty (copy of the inspection report/report enclosed);

And whereas I am of the opinion that the number of trees in the aforesaid property is not adequate as per standard laid down by the Tree

Authority pursuant to the provisions of sub-clause (c) of section 7 of the Ordinance;

Now, therefore I call upon Shri/Smt. to show cause within 10 days of the date of receipt of this notice as to why a direction should not be given to him/her for planting of tree in his/her aforesaid property in such number, of such species and in such manner as indicated in the Annexure.

()
Tree Officer.

Shri/Smt.

.....
.....

Copy to:—

- (i) The Range Forest Officer,
..... This has reference to his letter No.
(ii) The Conservator of Forests, Panaji.

Annexure to show cause notice number Dated

Sl. No.	Species of trees	No. of trees	Manner in which planting is to be done	Period within which planting is to be completed	Remarks
1	2	3	4	5	6

139

FORM H

[See Rule 9(1)]

Notice

Whereas Shri/Smt. is the owner/occupant of the property known as bearing survey number and situated in the Village Taluka and District

And, whereas I, Shri/Smt. Tree Officer and Dy. Conservator of Forests had found that adequate measures were not taken by him/her for protection of the tree/s existing on the aforesaid property and had, therefore, given him/her directions in letter number dated which was received by him/her on or about specifying the measures, he/she has to take for protection of the tree/s;

And, whereas I am of the opinion that he/she has failed to take the measures as specified in letter number dated within the stipulated period/measures taken are not adequate for protection of the tree/s (strike off whichever is not applicable).

Now, therefore, I hereby call upon Shri/Smt. to show cause within 10 days of the date of receipt of this notice as to why the undersigned should not arrange measures as specified in letter number dated for protection of trees in the aforesaid property at the cost of Rs. (Rupees) approximately on his/her behalf and recover the expenses incurred from him/her.

()
Tree Officer and
Dy. Conservator of Forests.

Shri/Smt.

Copy to:—

- (i) The Range Forest Officer.
..... This has reference to his letter No.
- (ii) The Conservator of Forests, Panaji.

FORM I

(See Rule 10)

Notice

Whereas Shri/Smt. was ordered/directed to plant trees in the property known as bearing survey No. and situated in the Village, Taluka and District vide reference bearing No.

dated in such number of such species and in such species and in such manner as specified therein;

And, whereas I, (name), ... (designation) have inspected his property on have received a report from regarding the number of trees planted, etc. in the aforesaid property (copy of the inspection report/report enclosed which is self explanatory);

And, whereas, I am of the opinion that Shri/Smt. has failed to carry out his/her obligation regarding planting of trees as specified under reference bearing No. dated

Now, therefore I hereby call upon Shri/Smt. to show cause within 10 days of the date of receipt of this notice as to why I should not arrange planting of trees in the aforesaid property in such number, of such species and in such manner as specified under reference No. dated at the cost of (Rupees) approximately on his/her behalf and recover expenses incurred thereunder from him/her.

()
Tree Officer and
Dy. Conservator of Forests.

Shri/Smt.

.....

FORM J

[See Rule 12(1)]

Register of Appeals

Sl. No.	Name and address of the applicant	Particulars of Appeal			Designation of the authority whose order is challenged in appeal
		Date	Date of receipt		
1	2	3	4	5	

No. and date of the challenged in appeal	Date of decision	Nature of decision	Date of Communication of the decision	Remarks
1	2	3	4	5

FORM K

(See Rule 13)

Stock Register

Sr. No. which ordered forfeiture	Authority	No. and date of the order	Details of material/animals/ tools and plants/vehicles ordered to be	Approx. value of the forfeited material	The manner in which forfeited material disposed with date of disposal	Remarks
1	2	3	4	5	6	7

FORM L

(See Rule 14)

Bond

I/We wife/son/daughter of resident of and owner/s of the below mentioned property which was seized under panchanama dated (here state the description of property)

.....
.....
..... do hereby state that on an application moved by me/use in that regard it has been ordered by the Tree Officer and Dy. Conservator of Forests (indicate the office) vide his order No. dated that the said property be released to me/use on bond of Rs. (Rupees).

I/We do hereby state that I/we have received this day of (month) (year) the above mentioned property valued at Rs. (Rupees). I/we hereby undertake to keep the said property with me/us for safe custody I/we further undertake to produce the said property

..... (description of the property) intact and in the same condition as they are now (reasonable wear and tear expected) whenever called upon to do so by the Tree Officer and Dy. Conservator of Forests, ... (indicate the address of the officer and not to deliver the same to any person or otherwise dispose or deal with the same without an order in writing from the aforesaid Tree Officer and Dy. Conservator of Forests and the shown undertaking is done voluntarily by me/us.

Witnesses:—

(i)

(Signature, name and address)

.....
Signature

(ii)

(Signature, name and address)

.....
Signature

FORM M

[See Rule 17(2)]

Form of Register of notified Trees

Sr. No. of the owner/occupant of the land	Name and address	Date of report	No. of trees (specieswise to be given)	Date on which trees are marked with identification marks	Date on which report submitted to the Conservator of Forests	Remarks
1	2	3	4	5	6	7

Notification

14-3(18) 83/MIS/

In exercise of the powers conferred by section 76 read with section 32, 41 and 51 of the Indian Forest Act, 1927, Central Act 16 of 1927 and all other powers enabling it in that behalf the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Forest Rules, 1964, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Forest (Amendment) Rules, 1989.

(2) They shall come into force at once.

Amendment of Rule 4, 1.— For sub-rule (3) of rule 41 of the Goa, Daman, and Diu Forest Rules 1964, the following sub-rule shall be substituted namely:—

“(3) Movement of vehicles loaded with forest produce is prohibited between 8 p. m. to 6 a. m. in the State of Goa”.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa, Forests Department.

Paraji, 20th February 1989

Annexure - 1

Notification

In exercise of the power conferred by sub-section (1) section 32 of the Goa, Daman and Diu Preservation of Trees of 1984 (Act 6 of 1984) the Government of Goa, in the interest of general public, hereby declares that the following class of trees belonging to mangrove species shall not be felled for a period of ten years.

- 1) *Rhizophora mucronata*

- 2) *Kandelia Kheedli*
- 3) *Avicennia officinalis*
- 4) *Sonneratia alba*
- 5) *Cerops tagal*
- 6) *Excoecaria agallocha*
- 7) *Rhizophora apiculata*
- 8) *Bruguiera gymnorhiza*
- 9) *Avicennia marina*
- 10) *Sonneratia caseolaris*
- 11) *Aegiceras corniculatum*
- 12) *Aconthus ilicifolius*
- 13) *Derria heterophylla*
- 14) *Acrostichum aureum*
- 15) *Druguiera parviflora*

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa, Forests Department.

Paraji, 11th September 1998.

Notification

10-11-87/LA

In exercise of the powers conferred by clause(1) of article 299 of the Constitution, the the Governor of Goa hereby amends the Government Notification No. 10-1187/LA dated 30-5-1987 (hereinafter referred to as the 'said Notification'), as follows, namely:—

For clause 22 of the said Notification, the following clause shall be substituted, namely:—

“22. (i) Contracts and other instruments relating to the matters connected with the Administration of Forests and the business of the Forest Department including Forest works and works connected with live-stock, but not including

the purchase or sale or lease for a period exceeding 10 years of any land or building, if the amount of value does not exceed Rs. 1.00 lakh, by the Dy. Conservator of Forests and if the amount or value exceeds Rs. 1.00 lakh but not exceed Rs. 5.00 lakhs by the Conservator of Forests; and

(ii) Contracts and other instruments relating to the purchase and repair of stores, tools and plant, furniture and tents, if the amount or value does not exceed Rs. 25,000/- by the Dy. Conservator of Forests."

By order and in the name of the Governor of Goa.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 5th February 1990.

Circular

13-3-90 FOR

Sub:- Felling of trees by Government Departments and prior permission regarding.

A number of cases have come to the notice of the Government lately where some Government Departments in the course of executing developmental project relating to roads, irrigation, electricity etc. have resorted to felling of trees in Government land as well as in acquired private land in contravention of the Acts and rules in force. Therefore, the following instructions are being laid down in order to clarify the procedure to be followed whenever tree felling is to be done in the course of executing developmental projects:-

(1) All Government Departments including Corporations and Government Public Sector Undertakings should obtain prior approval from the Forest Department, Government of Goa, Panaji, for felling of any tree or part thereof. The request should be routed through the Deputy Conservator of

Forests (Tree Officer) concerned, atleast 15 days in advance, giving details of project, demarcation of the project boundaries on the ground and marking of the trees to be cut. Coconut and Arecanut trees and bamboos (outside Government forest areas) can be cut without a licence/permission. In terms of clause (i) of section 2 of the Goa, Damnan and Diu Preservation of Trees Act, 1984, a 'tree' means any woody plant whose branches spring from and are supported upon a trunk of body and whose trunk or body is not less than five centimetre in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level.

(2) On receipt of a request for cutting tree the Tree Officer concerned will cause such inspections to be carried out as may be necessary and issue N.O.C. to the Department concerned, keeping in view the relevant Act in force. Where the cutting of more than 50 trees is involved, the case may be submitted to the Conservator of Forests with specific recommendations.

(3) In case felling of trees is required to be done in Government forest area or any other forest area even though it may not be recorded as 'forest' in the land records, a proposal will have to be formulated for obtaining clearance from the Government of India, under the Forest (Conservation) Act, 1980. The proposal may be formulated in consultation with the Deputy Conservator of Forests concerned. Copies of High Court Judgement in two Writ Petitions are enclosed herewith for ready reference.

(4) The trees or part thereof should be felled only after obtaining clearance as above and they should not be removed from the site until a transit pass is obtained from the Range Forests Officer concerned. The Range Forests Officer will arrange to issue necessary transit passes within a period of 3 days from the date of receipt of request giving complete information.

(5) The Department concerned which fell the trees should make necessary provisions, as far as possible, for planting of saplings in the vacant area available in the project site. Any deviation of the above instructions will be construed as violation of the Forest (Conservation) Act, 1980 and the Head of the Department will be held responsible under section 3-B of the said Act.

This issues in supersession of Circular No. 7/2/82/FOR dated 16-3-1988.

Maria A. Rodrigues, Under Secretary to the Govt. of Goa Forests Department.

Panaji, 15th November 1991.

Notification

12-5-94-FOR (PER)

In exercise of the powers conferred by section 31 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act 6 of 1984) (hereinafter referred to as the 'said Act'), the Government of Goa, considering it necessary so to do in the public interest, hereby exempts cashew trees from the provisions of section 8 of said act subject to the following conditions, namely:—

- (1) The removal of felled forest produce shall be governed by the provisions of section 34 of the said Act;
- (2) The felling of cashew trees shall be carried out only for the purpose of replacing the uneconomical trees with the high, yielding varieties.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 22-December 1991.

Order

2-106-97-FD/5627

In continuation to this office order No.2-33-73-FOR dated 18-10-1978 and in exercise of the powers conferred by section 26 of the Wild Life (Protection) Act, 1972 (Central act 53 of 1927), the Governor of Goa hereby

directs that the Forests Settlement Officer, Office of the Conservator of Forests, Panaji, shall exercise the powers and performs the functions and duties of the Collector under Section 19 to 25 (both inclusive) of the said Act, in respect of the following namely:—

Name of the Sanctuary	Notified under
1. Mollem National Park	Notification No. 8-3-77-FOR dtd. 13-4-1978
2. Dr. Salim Ali Bird Sanctuary Chorao	Notification NO. 8-10-83-FOR dtd. 16-12-88

By order and in the name of the Governor of Goa.

Recharad D'Souza, Conservator of Forests & Ex-Officio Addl. Secretary.

Panaji, 20th February 1998.

(Published in the Official Gazette, Series II, No. 2 daed 9-4-1998.

Department of Forest

Notification

5/39/97-FD/5957

In exercise of the powers conferred by sub-section (1) of section 61A of the Indian Forest Act, 1927 (Central Act 16 of 1927) as amended by the Indian Forest (Goa Amendment) Act, 1988 (Goa Act No. 15 of 1988) (hereinafter referred to as the said "Act") and in supersession of the Government Notification No. 14-3(16)83/MISC/FOR/4003 dated 26-10-1989 published in the Official Gazette Series I No. 32 dated 3-11-1987, the Government of Goa hereby authorises all the Deputy Conservators of Forests,

Forest Department, Government of Goa for the purposes of said section 61A of the said Act, within their respective jurisdictions with immediate effect.

By order and in the name of the Governor of Goa.

Recharad D'Souza, Conservator of Forests & Ex-Officio Addl. Secretary.

Panaji, 11th March 1998.

(Published in the Official Gazette, Series I, No. 2 daed 9-4-1998).

Notification

2-86-98-FD

In exercise of the powers conferred by Sections 46 and 47 of Chapter IV of Goa, Daman and Diu Wildlife Protection Rules, 1977 the Government of Goa hereby exempts the bonafide students from various educational institutes of Goa upto standard XII from paying any fee for entry into various Wildlife Sanctuaries, Zoos, National Parks and Deer Safari on their educational and environmental tour to these area provided they produce a certificate from the Head of Institutions to prove their bonafides and are also accompanied by the teachers/faculty members.

This will come into force with immediate effect.

By order and in the name of the Governor of Goa.

Recharad D'Souza, Conservator of Forest & Chief Wildlife Warden & Ex-Officio Addl. Secretary.

Panaji, 27th October 1998.

(Published in the Official Gazette, Series II, No. 38 daed 17-12-1998).

Order

2-209-2001-FD/4243

In exercise of the powers conferred under Section 2(k) read with Section 5 of the Goa Preservation of Trees (Amendment) Act., 2001, the undersigned is pleased to appoint the Assistant Conservator of Forests, who are holding charge of the Sub-Divisional Forest Officers at Ponda, Quepem as Tree Officers to carry out the duties as stipulated in the said Act and the orders issued thereunder.

A. K. Wahal, Conservator of Forest, Panaji-Goa.

Panaji, 14th December 2001.

Notification

2-209-2001-FD/4675

In exercise of the powers conferred under Section 22 of the Goa Preservation of Trees Act, 2001, the Government of Goa are pleased to empower the Tree Officers appointed under the Act to compound offence committed under the Act where the value of forest produce involved does not exceed Rs. 3,000/-.

A. Venkataratham, Secretary (Forests) Government of Goa Panaji-Goa.

Panaji, 26th December 2001.

Notification

2-209-2001-FD/4677

In exercise of the powers conferred under Section 35 of the Goa Preservation of Tree Act, 2001, the Government of Goa are pleased to

invest the Sub Divisional Forest Officers while discharging their duties as Tree Officers to exercise all powers of Tree Officers except.

a) Under section 9 *ibid*, where the number of trees to be given permission for felling is more than 2 trees and

b) Under section 22(a) (ii) where value of timber and other forest produce as estimated by him exceeds a sum of Rs. 2,000/-.

Venkataraman, Secretary (Forests) Government of Goa Panaji-Goa.

Panaji, 26th December 2001.

Notification

2-53-2001-FD/4999

In exercise of the powers conferred under Section 5(2) of the Wildlife (Protection) Act, 1972, the undersigned is pleased to authorise the Director, Wildlife and Eco-Tourism, Panaji to grant permits for non-invasive research where no Wildlife removed from the protected areas under Section 17(B), *ibid*. Provided the permission so granted will be subject to such conditions as may be specified therein.

This issues with approval of the Government.

A. K. Wahal, Conservator of Forests, Panaji-Goa.

Panaji, 22nd January 2002.

GOVERNMENT OF GOA

Forest & Agriculture Department

Notification

7-4-83/FOR (Part-III)

In exercise of powers conferred by section 31 of the Goa, Daman and Diu Preservation of Trees Second Ordinance, 1983 (Ordinance No. 2 of 1983), the Administrator of Goa, Daman and Diu considers it necessary to do so in public interest to exempt from all the provisions of the said Ordinance in respect of the following of trees in areas which are required for the construction or maintenance of electric lines or in the opinion of any officers of the rank of Assistant Engineer in the plan city Department, effects the safety of public.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Forest).

Panaji, 6th December, 1983.

Notification

No. 7-1-82-FOR (Part II)

In exercise of powers conferred by section 31 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (6 of 1994), the Government of Goa, Daman and Diu, considering it necessary so to do in the public interest, hereby exempts the areas under the management and control of the Goa, Daman and Diu Industrial Development Corporation, Panaji-Goa from all the provisions of the said Act, subject etc the following conditions namely:—

- (i) that an intimation shall be sent to the concerned Tree Officer at least a fortnight before felling any tree in such area indicating the specieswise number of trees which are to be felled, their age and size.
- (ii) the trees felled shall not be removed from the area until an inspection is carried out by the Tree Officer and permission is granted by him for transportation of felled material.
- (iii) The Goa, Daman and Diu Industrial Development Corporation shall plant a green belt of trees (of minimum of 2 to 3 row width) all around each of the Industrial Estates, and also along the internal roads, in vacant spaces and mark/garden Advice of the Tree Officers shall be obtained whilst carrying out such planting.
- (iv) The Goa, Daman and Diu Industrial Development Corporation shall submit details of areas with maps, survey nos., etc., where the estates are to be set, up, the Conservator of Forests before taking up the works of felling of trees, etc. to enable to Conservator of Forests to verify that the areas do not attract the provisions of the Forest (Conservation) Act, 1980.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary (Forest).

Panaji, 23rd February, 1985.

Notification

No. 10-91-82-FD

In exercise of powers conferred by section 41 of the Indian Forest Act, 1927 (16 of 1927), and all other powers establishing him in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to named the Goa, Daman and Diu Forest Rules, 1964 as follows, namely:

1. Short title. These rules may be called the Goa, Daman and Diu Forest (Amendment) Rules, 1985.

2. Amendment to rules 88, (1) Rule 22 of the Goa, Daman and Diu Forest Rules, 1964 shall be remembered as sub-rule (1) and before sub-rule (2) as so remembered, the following sub-rule (1) shall be inserted, namely:—

(1) The routes by which alone timber or other forest produce shall be imported, exported or moved into, from or within the Union Territory shall be these passing through Dodamarg, Patradevi, Molem Polem and Mormugao.

(2) After the first proviso to sub-rules (2) as so remembered the following proviso shall be added, namely:

“Provided further that as Pass as required under sub-rule (2) shall be issued for import or export or moving into, from or within the Union Territory or timber or other forest produce exact by the routes prescribed in sub-rule (1)”.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary (Forest).

Panaji, 23rd March, 1985.

Notification

No. DC/FST/85

In exercise of powers conferred by section 33 of the Goa, Daman and Diu, Preservation of Trees Act, 1984 (6 of 1984) the Government of Goa, Daman and Diu hereby invests the Tree Officers and other officers specified in column 1 of the Schedule hereto with the powers specified in the corresponding entry of column 2 thereof.

SCHEDULE

Officers	Powers under Section 33 of the Act
1	2
1. Tree Officer/Deputy Conservator of Forests	Clauses (a), (b), (c), (d), (e), (f) and (g) of section 33.
2. Assistant Conservator of Forests	Clauses (a), (b), (c), (d), (e), and (g) of section 33.
3. Range Forest Officers	Clauses (a), (b), (c), (d), (e), and (g) of section 33.
4. Deputy Range Forest Officers	Clauses (a), (b), (c), (d), and (e), of section 33.
5. Round Foresters	Clauses (a), (b), (d), and (e), of section 33.
6. Forest Guards	Clauses (a), and (e) of section 33.
7. Chief Forest Surveyor	Clauses (a), of section 33.
8. Forest Surveyor	Clauses (a), of section 33.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. *Pamvelkar*, Under Secretary (Forest).

Panaji, 24th June, 1985.

Notification

No. DC/F&T/85

In exercise of powers conferred by section 22 of the Goa, Daman and Diu, Preservation of Trees Act, 1984 (6 of 1984) the Government

of Goa, Daman and Diu hereby empowers the Conservator of Forests, in respect of the District of Goa and the Tree Officers of the Districts of Daman and Diu within their respective Jurisdiction to compound offences committed under the said Act and to release any property seized or liable to confiscation in accordance with the provisions of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. *Pamvelkar*, Under Secretary (Forest).

Panaji, 31st June, 1985.

Forest Department

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Notification

14-3 (16) 83/Mine/FOR/4003

In exercise of powers conferred by Sub-section (1) of Section 61 A of the Indian Forest (Goa Amendment) Ordinance, 1987, (hereinafter referred to as the "said Ordinance"), the Government of Goa hereby authorises the Dy. Conservator of Forests North Goa Division, the Dy Conservator of Forests, South Goa Division and the Dy. Conservator of Forests, Wild Life and Parks Division to act as *authorised* officers within their respective jurisdictions for the purposes of the said Ordinance.

By order and in the name of the Governor of Goa.

A. T. *Fernandes*, Under Secretary (S.T.E.).

Panaji, 26th October, 1987.

Notification

14-3 (16) 83/Mine/FOR/4004

In exercise of powers conferred by section 61 C of the Indian Forest (Goa Amendment) Ordinance, 1987, the Government of Goa hereby empowers the Conservator of Forests, Government of Goa, to exercise powers under the said section for the purpose of the said Ordinance.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary (S.T.E.).

Panaji, 26th October, 1987.

GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

7-6-88/LA

The Indian Forest (Goa Amendment) Act, 1988 (Goa Act No. 15 of 1989) which has been passed by the Legislative Assembly of Goa on 12-1-1988 and assented to by the President of India on 5-7-1989, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th July, 1989.

The Indian Forest (Goa Amendment) Act, 1988

(Goa Act No. 15 of 1989) [5-7-1989]

AN

ACT

further to amend the Indian Forest Act, 1927.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Indian Forest (Goa Amendment) Act, 1988.

(2) It shall come into force at once.

2. *Amendment of section 41.*— In the Indian Forest Act, 1927 (Central Act 16 of 1927) (hereinafter referred to as the "principal Act") in section 41,—

(i) in clause (h), after the words "sawpiis", the words "saw mills and sawing contrivances" shall be inserted;

(ii) after clause (h), the following clause, shall be inserted, namely:—

"(ha.) — regulating by grant of licences within specified limits, the converting or cutting of timber in a saw mill and sawing contrivances and prescribed fees and conditions subject to which such licences may be granted".

3. *Amendment of section 42.*— In the principal Act, in section 42, for the words "six months" and "five hundred rupees" the words "one year" and "one thousand rupees", shall be substituted, respectively.

4. *Amendment of section 51.*— In section 51 of the principal Act,—
(i) in sub-section (1), after clause (d), the following clause shall be inserted, namely:—

"(e) any other matter which is to be, or may be, prescribed or in respect of which provision is to be or may be, made by rules";

(ii) in sub-section (2), for the words "six months" and "five hundred rupees", the words "one year" and "one thousand rupees" shall be substituted, respectively.

5. *Amendment of section 52.*— In the principal Act, in section 52,—

(i) in sub-section (1), for the words “or cattle” the figures and words, “cattle, vehicles or any contrivances used” shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted namely:—

“(1A) Any Forest Officer or police officer may, if he has reason to believe that a vehicle or cart has been or is being used for the transport of forest produce in respect of which there is a reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle or cart to stop the vehicle or cart and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle or cart and inspect all records relating to the forest produce carried, which are in the possession of such driver or other person in charge of the vehicle or cart or any other person in the vehicle or cart”;

(iii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Every office seizing any property under this section, shall place on such property or the receptacle of vehicle (if any) in which it is contained, a mark indicating that the same has been so seized and make a report of such seizure.

(a) where the offence on account of which the seizure has been made, is in respect of timber, firewood, charcoal or any forest produce which is the property of Government, to the concerned authorised office under section 61A; and

(b) in other cases, to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;

Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his superior officer.

6. *Amendment of section 53.*— In section 53 of the principal Act, for the words and figures “or cattle under section 52, may release”, the words, figures and letters “vehicle, cattle, or any other contrivance under section 52, may subject to the provision of section 61G release” shall be substituted.

7. *Amendment of section 56.*— In section 56 of the principal Act,—

(i) for the words “has been confiscated”, the words “has been forfeited” shall be substituted;

(ii) for the words “in any other case, may be disposed”, the words, figures and letters “in any other case may, subject to provisions of section 61G, be disposed” shall be substituted.

8. *Amendment of section 57.*— In section 57 of the principal Act,—

(i) after the words “that an offence has been committed,” the words, figures and letters “subject to the provisions of section 61G”, shall be inserted;

(ii) for the words “to be confiscated”, the words and figures “to be forfeited to the Government together with tools, boats, vehicles, carts or cattle and other articles used in committing the offence” shall be substituted;

(iii) for the words “one month”, the figures and words “45 days” shall be substituted.

9. *Amendment of section 58.*— For section 58 of the principal Act, the following section shall be substituted, namely:—

“58. *Procedure as to perishable property seized under section 52.*— The Forest officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell the property if it is subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold and shall report every such sale to his superior officer”.

10. *Amendment of section 59.*— In section 59 of the principal Act, for the words “one month”, the words and figures “45 days” shall be substituted.

11. *Amendment of section 60.*— In section 60 of the principal Act, for the word “confiscation”, the word “forfeiture” shall be substituted.

12. *Amendment of section 61.*— In section 61 of the principal Act, for the words and figures “under section 52”, the words and figures “under section 52 which is not the property of the Government and the withdrawal of any charge made in respect of such property”, shall be substituted.

13. *Insertion of new sections 61A, 61B, 61C, 61D, 61E, 61F, and 61G.*— After section 61 of the principal Act, the following section shall be inserted, namely:—

“61A. *Confiscation by Forest Officer in certain cases.*— (1) Notwithstanding anything contained in the foregoing provisions of this chapter or any other law for the time being in force, where a forest offence is believed to have been committed in respect of forest produce which is the property of the Government, the officer seizing the property under sub-section (1) of section 52 shall, without any unreasonable delay, produce it, together with all tools, ropes, chains, boats vehicles, carts and cattle used in committing such offence before an officer authorised by the Government in this behalf, by notification in the Official Gazette, not being below the rank of an Assistant Conservator of Forest (hereinafter referred to as the “authorised officer”).

(2) Where an authorised officer seizes under sub-section (1) of section 52, any forest produce which is the property of the Government or any such property is produced before the authorised officer under sub-section (1) and once he is satisfied that a forest offence has been committed in respect of such property, which authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles, carts, cattle, and other contrivances used in the commission of such offence.

(3) Where the authorised officer, after prosecution an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(4) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of such auction or other incidental expenses relating thereto, shall, where the order of confiscation made under section 61A is set aside or annulled by an order under section 61C or 61D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

61B. *Issue of showcause notice before confiscation under section 61.*— (1) No order confiscating any forest produce or tools, ropes, chains, boats, vehicles, carts, cattle or any contrivances shall be made under section 61A except after notice in writing to the person from whom it was seized and considering his objections, if any:

Provided that, no order confiscating a motor vehicles shall be made except, after giving a notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order shall be made under section 61A if the owner of the tools, ropes, chains, boats, vehicles, carts, cattle or any other contrivance, proves to the satisfaction of the authorised officer that it was used in carrying forest produce without the knowledge or connivance of the owner

himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle, cart and cattle or any other contrivance and that each of them has taken all reasonable and necessary precautions against such use.

61C. *Revisions.*— Any Forest Officer not below the rank of Deputy Conservator of Forest specially empowered by the Government in this behalf, by notification in the Official Gazette, may, before the expiry of ninety days from the date of the order of the authorised officer under section 61A, give notice and call for and examine the records of that order and may make such enquiry or cause such enquiry to be made and may pass such order as he deems fit:

Provided that, no such order prejudicial to a person shall be passed under this section without giving him, an opportunity of being heard.

61D. *Appeal.*— (1) Any person aggrieved by any order passed under section 41, 61A or section 61C, may within forty five days from the date of communication to him such order, appeal to the Sessions Judge having jurisdiction over the area the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, pass such order as he may think fit confirming or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any Court of law.

61E. *Order of confiscation or seizure not to interfere with other punishment.*— The order of any confiscation or seizure under section 41, 61A or section 61C or section 61D shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

61F. *Property confiscated when to vest in Government.*— When an order for confiscation or seizure of any property has been passed under section 41, 61A or 61C or 61D and such order has become

final in respect of the whole or any portion of it or if it has been sold under sub-section (3) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the Government free from all encumbrances.

61G. *Bar of jurisdiction in certain cases.*— Whenever any forest produce belonging to the Government together with any tool, ripe, chain, boat, vehicle, cart, cattle or any other contrivance used in committing any offences is seized under sub-section (1) of section 52, the authorised officer under section 61A or the officer specially empowered under section 61C or the Sessions Judge hearing an appeal under section 61D shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or in any other law for the time being in force, any other officer, court tribunal, or authority shall not have jurisdiction to make an order with regard to the custody, possession, delivery or distribution of such property".

14. *Amendment of section 62.*— For section 62 of the principal Act, the following section shall be substituted, namely:—

"62. *Punishment for wrongful seizure.*— (1) Any Forest Officer or police Officer who vexatiously and unnecessarily seizes any property liable to forfeiture under this Act, shall on conviction be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed or any portion thereof shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure".

15. *Amendment of section 68.*— In section 68 of the principal Act,—

(i) in sub-section (1), after the words and figures "The State Government may," the words and figures "subject to such conditions as may be specified," shall be inserted;

(ii) in clause (a), for the words and figures "any forest offence," the words and figures "any forest offence under this Act," shall be

substituted and after the words "a sum of money," the words and figures "not exceeding ten thousand rupees," shall be inserted;

(iii) in clause (b), after the words "liable to confiscation", the words, figures and letters "liable to confiscation subject to provision of section 61G" shall be inserted;

(iv) in sub-section (3), for the word "fifty" the words "ten thousand" shall be substituted.

16. Repeal and saving.— (1) The Indian Forest (Goa Amendment) ordinance, 1987 (ordinance No. 1 of 1987), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this act as if this Act was in force on the day on which such thing or action was done or taken.

Secretariat

Annexe, Panaji

Goa.

Dated 17-7-1989.

(B. S. SUBBANNA)

Secretary to the Government of Goa
Law Department (Legal Affairs)