

KARNATAKA ACT NO. 20 OF 2001
THE KARNATAKA FOREST (AMENDMENT) ACT, 2001

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Substitution of section 83
4. Substitution of section 84
5. Substitution of section 85
6. Amendment of section 86
7. Amendment of section 87
8. Substitution of the expression "Divisional Forest Officer"

STATEMENT OF OBJECT AND REASONS

In the Budget speech of 2001-2002 it was announced that amendments to the Karnataka Forest Act, 1963 will be brought to remove the restrictions on the growing of Sandal Wood trees in private land in order to encourage public to grow Sandal Wood in their land.

It is proposed to amend the definition of 'Divisional Forest Officer' as this post is redesignated as 'Deputy Conservator of Forest': and to include Additional Principal Chief Conservator in the definition of "Forest Officer".

It is also proposed to modify the provisions of penalty in respect of forest offences relating to Sandal Wood by enhancing the imprisonment from seven years to ten years and fine from rupees twenty five thousand to rupees one lakh.

Hence the Bill.

(Vide L.C. Bill No. 2 of 2001 File No. ಸಂವಿಶ್ವಕಾನೂ 30 ಶಾಸನ 2001)

KARNATAKA ACT NO. 20 OF 2001

(First Published in the Karnataka Gazette Extra-ordinary on the twentieth day of August, 2001)

KARNATAKA FOREST (AMENDMENT) ACT, 2001

(Received the assent of the Governor on the Seventeenth day of August, 2001)

An Act further to amend the Karnataka Forest Act, 1963.

Whereas it is expedient further to amend the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty-second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Forest (Amendment) Act, 2001.

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

2. Amendment of section 2.- In section 2 of the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) (hereinafter referred to as the principal Act),-

(i) in clause (3), for the words "Divisional Forest Officer" the words "Deputy Conservator of Forest" shall be substituted;

(ii) in clause (6), after the words "Principal Chief Conservator" the words "Additional Principal Chief Conservator" shall be inserted;

3. Substitution of section 83.- For Section 83 of the principal Act the following shall be substituted, namely:-

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“83. Rights of certain persons entitled to sandal trees.- (1) All persons who by the terms of their sannads, grants, or by judicial decision or other wise are, prior to the commencement of this Act, legally entitled to the sandal trees in their lands shall not fell or sell such sandal tree or convert or dress sandal wood obtained from such tree or posses, store transport or sell the sandal wood so obtained except in accordance with the provisions of the rules made under this Act.

(2) On or after the commencement of the Karnataka Forest (Amendment) Act, 2001 every occupant or holder of land shall be legally entitled to the sandal tree in his land except where such sandal tree is declared to be the property of the State Government in any grant, lease, contract or other instrument, but such occupant or holder shall not fell or sell such sandal tree or convert or dress sandal wood obtained from such tree or posses, store transport or sell the sandal wood so obtained except in accordance with the provisions of the rules made under this Act.”

4. Substitution of section 84.- For section 84 of the principal Act, the following shall be substituted, namely:-

“84. Presumption in case of sandal wood.- Wherein any proceedings taken under this Act or in consequence of anything done under this Act or under any law for the time being in force, a question arises as to whether any Sandalwood is the property of the State Government, it shall until the contrary is proved be presumed to be the property of the State Government and in case of any prosecution, the burden of proving the contrary shall lie on the accused.

5. Substitution of section 85.- For section 85 of the principal Act, the following shall be substituted, namely:-

“85. Responsibility of occupants and holders of land for the preservation of sandal trees etc.- Every occupant or holder of land or any other person referred to in section 83 shall preserve all sandal trees growing in his land, and shall in the event of its theft at once report such fact to the nearest Forest Officer or Police Officer.”

6. Amendment of section 86.- In section 86 of the principal Act,-

(i) in the opening paragraph,-

(a) after the words “ belonging to Government”, the words and figures “or to an occupant or holder of land or other person referred to in section 83” shall be inserted;

(b) for the words “seven years” and “twenty five thousand rupees” the words “ten years” and “one lakh rupees” shall respectively be substituted.

(ii) in the proviso,

(a) in clause (i), for the words “ three years” and “ five thousand rupees” the words “ five years” and “ fifty thousand rupees “ shall, respectively be substituted;

(b) in clause (ii), for the words “ five years” and “ twenty thousand rupees” the words “ seven years” and “seventy five thousand rupees” shall, respectively be substituted.

7. Amendment of section 87.- In section 87 of the principal Act,-

(1) in sub-section (1), after the second proviso the following proviso shall be inserted, namely:-

“Provided also that nothing in this sub-section so far as it relates to obtaining a licence to possess, store or sell or attempt

to store or sell sandal wood shall apply to any person or occupant or holder of land referred to in section 83 in respect of sandal wood obtained from sandal tree grown by such person or occupant or holder in his land.

(2) in sub-section (2),-

(i) in the opening paragraph for the words “ seven years” and “twenty-five thousand rupees” the words “ ten years” and “ one lakh rupees” shall, respectively be substituted;

(ii) in the proviso,

(a) in clause (i), for the words “ three years” and “ five thousand rupees” the words “ five years” and “ fifty thousand rupees “shall, respectively be substituted.

(b) in clause (ii), for the words “ five years” and “twenty thousand rupees” the words “ seven years” and “ seventy five thousand rupees “, shall respectively be substituted.

8. Substitution of the expression “ Divisional Forest Officer”.- In the principal Act, for the expression “Divisional Forest Officer” wherever it occurs, the expression “ Deputy Conservator of Forest” shall be substituted.