

**THE INDIAN FOREST (HIMACHAL PRADESH AMENDMENT)  
ACT, 1968**

**ARRANGEMENT OF SECTIONS**

Sections:

1. Short title and extent.
2. Amendment of section 1.
3. Amendment of section 38.
4. Amendment of sections 52, 53 and 55.
5. Substitution of section 82.
6. Insertion of new section 84-A.
7. Repeal and Savings.

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**THE INDIAN FOREST (HIMACHAL PRADESH AMENDMENT)  
ACT, 1968**

**(ACT NO. 25 OF 1968)<sup>1</sup>**

(Received the assent of the President on the 13<sup>th</sup> December, 1968 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 17<sup>th</sup> February, 1969, pp. 131-135).

**An Act to amend the Indian Forest Act, 1927 (Central Act 16 of 1927) in its application to Himachal Pradesh.**

*Amended, repealed or otherwise affected by-*

The Himachal Pradesh Adoption of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20<sup>th</sup> January, 1973, pp. 91-112.

**BE** it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

**1. Short title and extent.-** (1) This Act may be called the Indian Forest (Himachal Pradesh Amendment) Act, 1968.

(2) It shall extend to the whole of Himachal Pradesh.

**2. Amendment of section 1.-** In section 1 of the Indian Forest Act, 1927 (16 of 1927), in its application to the <sup>2</sup>[State] of Himachal Pradesh (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:-

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1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 13<sup>th</sup> August, 1968, p. 816.
  2. Substituted for "Union Territory" vide A.O. 1973.

"(2-A) Notwithstanding anything contained in sub-section (2), it also extends to such territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, and have since merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966)."

**3. Amendment of section 38.-** In sub-section (1) of section 38 of the principal Act, for the words 'the owners of shares therein amounting in the aggregate to atleast two thirds thereof', the words 'the owners of the majority of shares therein' shall be substituted.

**4. Amendment of sections 52, 53 and 55.-** In sections 52,53 and 55 of the principal Act, for the word 'carts' wherever it occurs, the word 'vehicles' shall be substituted.

**5. Substitution of Section 82.-**For section 82 of the principal Act, the following section shall be substituted, namely:-

**"82. Recovery of money due to Government.** - (1) All money payable to the State Government under this Act or under any rule made under this Act or on account of the price of timber, or other forest produce, or of expenses incurred in execution of this Act in respect of timber and other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable thereunder for the breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of tenders, issued by or under the authority of a Forest Officer and all compensation awarded to the State Government under this Act may, if not paid when due, be recovered under the law for the time being in force, as if it were an arrear of land revenue.

(2) For the removal of doubts, it is hereby declared that the provisions of sub-section (1) shall also apply to all cases of recovery which are either pending at the commencement of the Indian Forest (Himachal Pradesh Amendment) Act, 1968 or are initiated thereafter in respect of contracts entered into prior to such commencement, any judgment, decree or order of any court to the contrary notwithstanding."

**6. Insertion of new section 84.A.-** After section 84 of the principal Act, the following section shall be inserted, namely:-

**"84-A. Validity of settlements etc. of covenanting States.-** For the removal of doubts, it is hereby declared that every settlement or arrangement made before the 20th August, 1948, under the authority of the Government of any covenanting State forming part of the territories referred to in sub-section (2A) of section 1, with respect to any claims or rights of any persons admitted by the Government of that State to be in existence in any of the forests or waste lands which were the property of that Government or over which that Government

had proprietary rights or to the whole or part of the forest produce of which that Government was entitled, shall be deemed to be a settlement of claims and rights made under this Act and all such claims and rights shall be deemed to be claims and rights duly inquired into and admitted for the purposes of this Act and shall be deemed always to have been so inquired and admitted for the purposes of the Patiala Forest Act, 1999 Bk, and it shall not be, and shall be deemed never to have been necessary to determine the rights of persons in accordance with chapters II and IV, as the case may be, for declaring any forest or waste land to be a reserved or protected forest or a first or a second class forest."

**7. Repeal and savings.**- (1) The Indian Forest (East Punjab Amendment) Act, 1948 (7 of 1948), the Indian Forest (Punjab Amendment) Act, 1954 (20 of 1954) and the Indian Forest (Punjab Amendment) Act, 1962 (13 of 1962) in so far as these apply to the areas merged in Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966 (31 of 1966), are hereby repealed:

Provided that such repeal shall not affect-

- (a) the previous operation of the Acts so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or
- (e) operation of section 39 of the Patiala Forest Act, 1999 Bk, which is a saving under section 7 of the Indian Forest (Punjab Amendment) Act, 1962 (13 of 1962),

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, bye-law or form framed) so far as it is not inconsistent therewith, shall be deemed to have been done or taken under the principal Act as so amended:

Provided that all forests which, immediately before the commencement of the Indian Forest (Punjab Amendment) Act, 1962 (13 of 1962), are deemed to be, first and second class forests under the Acts repealed by sub-section (1) shall, respectively, be deemed to be reserved and protected forests for the purposes of the principal Act as amended by this Act.

