

## ORISSA ORDINANCE No. 1 OF 1987

**THE ORISSA FOREST PRODUCE (CONTROL OF TRADE)  
(AMENDMENT AND VALIDATION) ORDINANCE, 1987**

*[Promulgated by the Governor on the 29th May 1987, first published in an extraordinary issue of the Orissa Gazette, dated the 29th May 1987]*

AN

**ORDINANCE**

TO AMEND THE ORISSA FOREST PRODUCE (CONTROL OF TRADE) Act, 1981

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Forest Produce (Control of Trade) Act, 1981 in the manner hereinafter appearing;

AND WHEREAS sanction of the President has been received to promulgate an Ordinance for the said purpose;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-eighth year of the Republic of India:—

Short title  
and Com-  
mencement.

1. (1) This Ordinance may be called the Orissa Forest Produce (Control of Trade) Amendment and Validation Ordinance, 1987.

(2) It shall be deemed to have come into force on the date on which the Orissa Forest Produce (Control of Trade) Act, 1981 (hereinafter referred to as the Principal Act) had come into force, i.e., 5-9-1981 when the principal Act was notified in the Orissa Gazette. Orissa Act  
22 of 1981

Amendment  
of section 2.

2. In clause (c) of section 2 of the principal Act, the full stop at the end of the clause shall be substituted by a comma and thereafter the following shall be added at the end, namely:—

“Whether grown or found on land owned by private persons or on land owned by the State Government or in Government forests;”

Amendment  
of section 5.

3. In section 5 of the principal Act, in sub-section (1),—

(i) for clause (a) the following clause shall be substituted, namely:—

“(a) all contracts for the purchase, sale, gathering or collection of specified forest produce grown or found in the said area shall stand rescinded, whether such forest produce is grown or found on land owned by private persons or on land owned by the State Government or in Government forests.”

(ii) After Explanation III, the following Explanation shall be added, namely:—

“Explanation IV — The Explanations I to III shall be deemed to be explanations to clause (b) of this sub-section only and shall not be deemed as in any manner qualifying or detracting from clause (a) of this sub-section or saving any contracts referred to in clause (a) from the operation of the provision for rescission of contracts contained in the said clause (a)”.

**Amendment of section 9.** 4. In section 9 of the principal Act for sub-section (4), the following sub-section shall be substituted namely: —

“(4) The State Government or its authorised officer or agent shall be entitled to take delivery of any specified forest produce collected by any person from land owned by the State Government or Government Forests on payment of only such collection charges as may be determined by the State Government from time to time:

Provided that it shall be open to the State Government or the authorised officer or agent to refuse to take delivery of any such forest produce which is not fit for consumption or use as raw-material for manufacture or for trade:

Provided further that in the case of any dispute, the Divisional Forest Officer or such other officer who may be specifically empowered in this behalf, as specified in sub-section (2), shall hear and dispose of the same in the manner provided in this Act and the Rules made thereunder.”.

**Validation** 5. Notwithstanding any judgment, decree or order of any court to the contrary, the Notification dated the 9th December 1982, issued by the State Government under sub-section (3) of section 1 of the principal Act in respect of sal seeds shall be deemed to have been issued in respect of sal seeds whether grown or found on land owned by private persons on land owned by the State Government or in Government forests and shall be as valid and effectual as if it were issued under sub-section (3) of section 1 of the principal Act as amended by this Ordinance and all instruction and orders issued or made and all actions taken or things done pursuant to the said Notification in respect of sale, purchase and collection of sal seeds shall be deemed to have been validly made, taken or done under the principal Act as amended by this Ordinance.

**B. N. PANDE**

Dated the 29th May, 1987

GOVERNOR OF ORISSA