

ORISSA ACT 16 OF 1987

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

TABLE OF CONTENTS**PREAMBLE :****SECTIONS :**

1. Short title and commencement
2. Amendment of Section 2
3. Amendment of Section 5
4. Amendment of Section 9
5. Amendment of Section 21-A
6. Repeal and Savings

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TRADE) (AMENDMENT AND VALIDATION)
ACT, 1987**

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**AN ACT TO AMEND THE ORISSA FOREST
PRODUCE (CONTROL OF TRADE) ACT, 1981**

BE it enacted by the Legislature of the State of Orissa in
the Thirty-eight Year of the Republic of India, as follows:—

Short title
and
commence-
ment.

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

(2) It shall be deemed to have come into force on the
5th September, 1981.

Amendment
of
section 2.

2. In the Orissa Forest Produce (Control of Trade) Act,
1981 (hereinafter referred to as the principal Act), in clause (c)
of section 2, the semi colon at the end of the clause shall be
substituted by a comma and thereafter the following shall be
added at the end, namely :—

Orissa Act
22 of 1981

“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 substitu-
ted 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found in the said area shall stand rescinded, whether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,
and”;

(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 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 decision 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 Forest on payment of 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.”

Insertion of
new Section
21-A.

5. After section 21 of the principal Act, the following new section shall be inserted, namely ;—

“Validation

21-A. Notwithstanding any judgement, 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 or on land owned by State Government or in Government forests and shall be as valid and effectual as if it was issued under sub-section (3) of section 1 of the principal Act as amended by this Act and all instructions and order 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 Act.”

Repeal and
savings.

6. (1) The Orissa Forest Produce (Control of Trade) (Amendment and Validation) Ordinance, 1987, is hereby repealed.

Orissa Ordinance No. 1
of 1987.

(2) Notwithstanding such repeal any order made, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been made, done or taken under the principal Act as amended by this Act.