ODISHA PROTECTION OF SCHEDULED CASTES AND SCHEDULED TRIBES (INTEREST IN TREES) ACT, 1981

Short title, extent and cornmence• meal. Dean.it10D8. ORISSA ACT 18 OF 1983 ORISSA PROTECTION OF SCHEDULED CASTES SCHEDULED TRIBES (INTEREST IN TREES) ACT, 19811 [Received the assent Of lhe President on lhe 13th August 1983 first published Extraordinary issue Of the Orissa Gazette, dared the 23rd September 1983 AN ACT TO PROVIDE FOR THB PROTECTION OF MEMBERS OF THE SCHEDULD CASTE AND SCHEDULED TRIBES FROM EXPLOITATION IN TH.B MATER OF TRANSFER OF THEIR INTEREST IN SPECIFIED TREES Be it enacted by the Legislature of the State of Orissa in the Thirty-second year of the Republic of India, as follows:— 1. (1) This Act may be called the Orissa Protection of Scheduled Castes and Scheduled Tribes Interest in Tress Act, 1981. (2) It extends to the whole of the State of Orissa. (3) It shall come into force on such date as the State Governanent may, by aotiRe• tiona appoint in that behalf

2. In this Act, unless the context otherwise requires-----(a) "Chief Conservator of Forests" means the Chief Conservator of Forests. Orissa; (b) "Conserator of Forests" means the Conservator of Forests of the concerned forest circle; (c) ' 'Contractor" means the person in whose favour the owner of any specified tree has effected a sale or has entered into a contract for sale of the timber of such tree and includes the representative in interest and assignees of such person ; (d) 4'Divisional Forest Offcer" means the Divisional Forest of the concerned forest division; (e) "Grama Panchayat" means a Grama Panchayat constituted undet the Orissa Aet of Grama Panchayat Act, 1969; (f) "holding" means a parcel or parcels of land

forming the subject efg sepamte tenancy; (g) "prescribed" means prescribed by rules made under this Act; (h) "Range Offcer" means the forest omcer in charge of a forest range; (i) 'Scheduled Castes" shall mean the Scheduled Castes specified in respect of the State of Orissa in the Constitution (Scheduled Castes) Older, 1950 modified from time to time; (j) t *Scheduled "flibes" shall mean the Scheduled Tribes specified in respect of the state of Orissa in the Constitution (Scheduled Tlibes) Order. 1950 as modified from time to time; (k) "specified tree" means a trec specificd in the schedule and such other species of tiees as may be notified by Government from time to time

1. For Statement of objects and reasons sec Orisso Gazette, Extraordinary, dated the 21st 1981 (1219)

2. Came into forco wilh effect from 12th January 1984 Vide notification No.- 1288. dated the 28th December 19S3, pubJisbd in an Extraordinary issue of tho Orissa Goutte tho January 1984 (34). 172 THE ORISSA PROTECTION OF SCHEDULED CASTES AND SCHEDULED TRIBES (INTEREST IN TREES) ACT, 1981 [Orissa Act 18 of 1983] (Sees. 3—5) 3. (I) No contract entered into after the commencement of this Act by an owner Protection of interßL i n of any specified tree for the sale of thc timber thereof shall be valid if such owner tis a member of the Scheduled Castes or the Scheduled Tribes and if the Contract trees belong- ing to the has been entered 'into without the previous permission in writing granted by thc scheduled Range Officer on an application made in that behalf giving adequate description of the timber proposed to be sold. Sched uled Tribes. (2) On receipt of the application, the Range Officer concerned shall enquire into the case on the spot or cause such an enquiry to be made by any other forest offcer and the Grama Panchayat or the urban local body concerned, as the case may be, shal bc requested to send one or more of the Ward Memebers to ule spot' on the date of enquiry: Provided that in any case where the Range Offcer considers that thi consideration for the contract is fnadcquate, he require the owner to sell the trees to . Orissa Forest Corporation Limited or to and other State owned - Corporation for suéh consideration amount as the Range Offcer Ideems fit to (3) The report of enquiry shall be signed by the offcer conducting the enquiry the Ward Member or members present and the applicant. (4) The report of enquiry shall, amongst other things mention the number of trees specieswise,the girth of each tree and the resonable consideration for the timber. (5) On being satisfied about the right;title and interest of the applicant in the tree and the adequacy of the consideration for the contract, the Range Officer shall permit the timber to be lifted by the purchaser on payment of the consideration money in his presence. (6) If no orders are passed by the Range Officer on the application within fifteen days from the date of receipt thereof, it shall be open •to the owner of the tree tp sell the tKee to any person of his choice. 4' An owner of any specificd tree who is a member of the Scheduled Castes or Applintion for canceg. .the Schedulcd Tribes and who has enteccd into a contract which has been subsisting on the date of commencement of this Act, for the sale of the timber of such tree atlon of •existing may apply to the Divisional Forest Offcer for cancellation of such contract on contracts in the ground that the consideration therefor was substantially inadequate. some 5. (1) If it comes to the notice of the Divisional Forest Officer that any such Suo mow contract as is referred to in sub-section (l) of section 3 or section 4 has been ion entered into in contravention of the provisions of that sub-section or that the and consideration therefor is substantially inadequate, he may on his won motion, institute a case and dispose it of as provided by or under this Act. (2) if it comes to the notice of any Revenue Offcer not below the rank of a Tabasildar or of any Block Development Offcer or any Forest Offcer not below the rank of a Range Officer having jurisdiction over lhe area or of any other offcer specially authorised by the State Government in this behalf that any such contract as is referred to in sub-section (1) of section 3 or section 4 has been entered into in- contravention of that sub-section or that the consideration therefor is substantial]Y inadequate, he may refer the matter to the Divisional Forest Offcer having jurisdic- tion for insituting a case and disposing it of as provided by or under this Act: Provided that the Divisional Forest Officer instituting a case under sub-section (1) or thc officer making a reference undel sub-section (2), may seize the timber involved in the transaction and keep the same in lhe custody of the owner if he is of the opinion that such seizure is necessary and thereupon he shall prepare a list of the timber seized and obtain the signature of the owner on such list and where the seizure is made by the later officer, the said list shall be forwarded to the Divisional Forest Officer having jurisdication along with the aforesaid reference. 175 THE ORISSA PROTECTION OF SCHEDULED CASTES AND SCHEDULED TRIBES (INTEREST IN TREES) ACT, 1981 [Orissa Act 18 of 1983) SCHEDULE See Section-2(k) LIST OF SPECIFIED TREES Sl. No. 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 Local Name (2) Kurum Kasi Kusum Ventra Sirish Rimli (Nembura) Saguan creak) Bijia (Piasal) Sisoo Bandhan Assan Mahula Bheru Karanj Kendu Dhaura Amba (mango) Panasa (Jackfruit) Tentull Catnarlnd) Chandan Tal (Palm) Lendia Aduna Botanical Name (3) Shmea Robusta Adina Cordi Folia , Bridelia Retusa Schlfichena Taijuga Albizia Lebbek Albizia Lebbek Burshra Serrata Tectona Grandia Prerocarpus Marsupium Dalbergia Latifolia Qugenie Daldergoidea Terminalia Tomentosa Madhuca Latifolia Chlorosyion Siaietenia Pongamia GI bra Dlespyos Melanoxylon Anogeibus Latifolia Acacia Catechu Mangifera Indica Heterophylu. Tamarlndus indicas Santalum Album Barassus FlabeHter Lagestxefhia Parvifedra Terminalia Arjuna Acacia