

Uttarakhand Judicial and  
Legal Academy, Bhowali,  
Nainital

**Study Material**

**on**

**Wild Life (Protection) Act, 1972**

**and**

**Indian Forest Act, 1927**

# INDEX

## Important Enactments on The Indian Forest Act, 1927 and Wildlife Protection Act, 1972

## Important Judgments on The Indian Forest Act, 1927 and Wildlife Protection Act, 1972

S NO	ACT / NOTIFICATIONS	CORRESPONDING ACT
1	<b>The Indian Forest (Uttarakhand Amendment) Act, 2001 (Date: 17.07.2002) {Act No 10 of 2002}</b>	<b>Indian Forest Act, 1927</b>
2	दि वाइल्ड लाइफ (प्रोटेक्शन) एक्ट, 1972 एक्ट सं० 53 ,1972 उ० प्र० सरकार वन अनुभाग -3 सं०- 425(3) / 14-तीन-30 / 73 दिनांक- मार्च 08 1973	वन्य जीव (संरक्षण) अधिनियम, 1972
3	दि वाइल्ड लाइफ (प्रोटेक्शन) एक्ट, 1972 एक्ट सं० 53 ,1972 उ० प्र० सरकार सं०- 96 / IA-तीन-31 / 73 दिनांक- 14 मार्च 1973	वन्य जीव (संरक्षण) अधिनियम, 1972
4	दि वाइल्ड लाइफ (प्रोटेक्शन) एक्ट, 1972 एक्ट सं० 53 ,1972 उ० प्र० सरकार वन अनुभाग -3 सं०-1003 / 14-3-67 / 1974 दिनांक- 30 अप्रैल 1976	वन्य जीव (संरक्षण) अधिनियम, 1972
5	वन्य जीव (संरक्षण) अधिनियम, 1972 अधिनियम सं० 53 सन 1972 वन अनुभाग -5 सं०- 2387/ 14-3-7/ 1990 दिनांक 23 नवम्बर, 1990	वन्य जीव (संरक्षण) अधिनियम, 1972
6	वन्य जीव (संरक्षण) अधिनियम, 1972 अधिनियम सं० 53 सन 1972 उ० प्र० सरकार वन अनुभाग -4 सं०- 2685(1) 14-4-93 दिनांक 18 अक्टूबर, 1993	वन्य जीव (संरक्षण) अधिनियम, 1972

**Important Enactments Related To The Indian Forest  
Act, 1927 and Wildlife Protection Act, 1972**



# सरकारी गजट, उत्तरांचल

उत्तरांचल सरकार द्वारा प्रकाशित

## असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तरांचल अधिनियम)

देहरादून, बृहस्पतिवार, 01 अगस्त, 2002 ई०

श्रावण 10, 1924 शक सम्वत्

उत्तरांचल शासन

विधायी एवं संसदीय कार्य विभाग

संख्या 240/विधायी एवं संसदीय कार्य/2002

देहरादून, 01 अगस्त, 2002

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन महामहिम राष्ट्रपति ने उत्तरांचल विधान सभा द्वारा पारित उत्तरांचल भारतीय वन (उत्तरांचल, संशोधन) विधेयक, 2001 को दिनांक 17-7-2002 को अनुमति प्रदान की और वह उत्तरांचल अधिनियम संख्या 10, सन् 2002 के रूप में सर्व-साधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

भारतीय वन (उत्तरांचल संशोधन) अधिनियम, 2001

(अधिनियम सं० 10 वर्ष 2002)

भारतीय वन अधिनियम, 1927 का उत्तरांचल में उसकी प्रवृत्ति के सम्बन्ध में संशोधन करने के लिये

अधिनियम

भारत गणराज्य के बावनवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1. (1) यह अधिनियम भारतीय वन (उत्तरांचल) अधिनियम, 2001 कहा जायेगा।

संक्षिप्त नाम,  
विस्तार और  
प्रारम्भ

(2) इसका विस्तार सम्पूर्ण उत्तरांचल में होगा।

(3) यह ऐसे दिनोंक से प्रवृत्त होगा जिसे राज्य सरकार अधिसूचना द्वारा इस निमित्त नियत करें।

2. भारतीय वन अधिनियम 1927 जिसे आगे मूल अधिनियम कहा गया है, की धारा-2 में निम्नलिखित खण्ड बढ़ा दिया जायेगा।

2-क "प्राधिकृत अधिकारी" का तात्पर्य धारा-52 क के अधीन प्राधिकृत किये गये अधिकारी से है।

धारा 26 का संशोधन 3. मूल अधिनियम की धारा 26 की, उपधारा (1) में-

(एक) खण्ड (ख) में शब्द "आरक्षित वन में" के पश्चात शब्द "या ऐसी किसी भूमि में स्थित किसी वन में जिसके सम्बन्ध में धारा-4 के अधीन अधिसूचना जारी की गई हो" बढ़ा दिये जायेंगे,

(दो) खण्ड (ड) में, शब्द "घसीटने" के स्थान पर शब्द "हटाने" रख दिया जायेगा,

(तीन) खण्ड (घ) में, शब्द "पत्तियां तोड़ डालेगा, या उसे" के पश्चात शब्द "या किसी वन उपज को" बढ़ा दिये जायेंगे,

(चार) शब्द "ऐसी अवधि के कारावास से, जो छः मास तक का हो सकेगा या जुर्माने से, जो पांच सौ रुपये तक का हो सकेगा, या दोनों से दण्डित किया जायेगा" के स्थान पर शब्द, "खण्ड (ख) या खण्ड (घ) या खण्ड (ड) या खण्ड (ज) में वर्णित किसी कार्य के लिए ऐसी अवधि के कारावास से, जो दो वर्ष तक का हो सकेगा या जुर्माने से, जो पांच हजार रुपये तक का हो सकेगा, या दोनों से, दण्डित किया जायेगा, और उसी अपराध के लिए द्वितीय और प्रत्येक अनुवर्ती दोषसिद्धि पर ऐसी अवधि के कारावास से, जो दो वर्ष तक का हो सकेगा या जुर्माने से, जो बीस हजार रुपये तक का हो सकेगा, किन्तु जो पांच हजार रुपये से कम का न होगा, या दोनों से दण्डित किया जायेगा और अन्य खण्डों में वर्णित किसी कार्य के लिए ऐसी अवधि के कारावास से, जो छः मास तक का हो सकेगा या जुर्माने से, जो एक हजार रुपये तक का हो सकेगा, या दोनों से, दण्डित किया जायेगा और उसी अपराध के लिए द्वितीय और प्रत्येक अनुवर्ती दोषसिद्धि पर ऐसी अवधि के कारावास से, जो छः मास तक का हो सकेगा या जुर्माने से, जो दो हजार रुपये तक का हो सकेगा, या दोनों से, दण्डित किया जायेगा" रख दिये जायेंगे।

धारा 33 का संशोधन 4. मूल अधिनियम की धारा 33 की, उपधारा (1) में-

(एक) खण्ड (ग) में, शब्द "या साफ करेगा" के पश्चात शब्द "या तोड़ने या साफ करने का प्रयास करता है" बढ़ा दिया जायेगा,

(दो) खण्ड (घ) में, शब्द "खींचेगा" के स्थान पर शब्द "हटायेगा" रख दिये जायेंगे,

(तीन) शब्द "जो छः मास तक की हो सकेगी, या जुर्माने से, जो पांच सौ रुपये तक का हो सकेगा, या दोनों से" के स्थान पर, "जो दो वर्ष तक का हो सकेगा, या जुर्माने से, जो पांच हजार रुपये तक का हो सकेगा, या दोनों से, दण्डनीय होगा और उसी अपराध के लिए द्वितीय और प्रत्येक अनुवर्ती दोषसिद्धि पर ऐसी अवधि के कारावास से जो दो वर्ष तक का हो सकेगा और जुर्माने से जो दस हजार रुपये तक का हो सकेगा" रख दिये जायेंगे।

धारा 42 का संशोधन 5. मूल अधिनियम की धारा 42 की, उपधारा (1) में-

शब्द "जो छः मास तक का हो सकेगा, या जुर्माना, जो पांच सौ रुपये तक का हो सकेगा" के स्थान पर शब्द, "जो दो वर्ष तक का हो सकेगा, या जुर्माने से, जो पांच हजार रुपये तक का हो सकेगा" रख दिये जायेंगे।

6. मूल अधिनियम की धारा 52 में—

धारा 52 का संशोधन

(एक) उपधारा (1) शब्द "छकड़ों या पशुओं" के स्थान पर शब्द "वाहनों, पशुओं, रस्सियों, जंजीरों या अन्य वस्तुओं" रख दिये जायेंगी।

(दो) उपधारा (2) के स्थान पर निम्नलिखित उपधाराएं रख दी जायेंगी—

कोई वन अधिकारी या पुलिस अधिकारी, यदि यह विश्वास करने का कारण हो कि किसी नाव या छकड़ों या वाहन का प्रयोग ऐसी किसी वन उपज के परिवहन के लिए किया गया है या किया जा रहा है, जिसके सम्बन्ध में कोई वन अपराध किया गया है या किया जा रहा है, तो वह ऐसी नाव या वाहन के चालक या अन्य प्रभारी व्यक्ति से उसे रोकने की अपेक्षा कर सकता है और वह ऐसी किसी नाव या वाहन की ऐसे युक्तियुक्त समय के लिए जैसा कि ऐसी नाव या वाहन में रखी वस्तुओं का परीक्षण करने के लिए और ऐसी नाव या वाहन के चालक या अन्य प्रभारी व्यक्ति के प्रश्रनगत वन उपज के स्वामित्व और विधिक उत्पत्ति से सम्बन्धित दावों, यदि कोई हो, को अभिनिश्चित करने के लिए परिवहित माल से सम्बन्धित अभिलेखों का निरीक्षण करने के लिए आवश्यक हो, निरुद्ध कर सकता है।

(तीन) इस धारा के अधीन किसी सम्पत्ति का अभिग्रहण करने वाला हर अधिकारी ऐसी सम्पत्ति पर यह उपदर्शित करने वाला चिन्ह लगायेगा कि उसका इस प्रकार अभिग्रहण हो गया है और यथाशक्य शीघ्र ऐसे अभिग्रहण की रिपोर्ट उस अपराध का, जिसके कारण अभिग्रहण हुआ है, विचारण करने के लिए अधिकारिता रखने वाले मजिस्ट्रेट को भेजेगा और यदि अभिग्रहण वन उपज के सम्बन्ध में हों, जोकि राज्य सरकार की सम्पत्ति है तो वह प्राधिकृत अधिकारी को भी रिपोर्ट करेगा।

7. मूल अधिनियम की धारा-52 के पश्चात्, निम्नलिखित धाराएं बड़ा दी जायेंगी अर्थात् :

धारा 52-क, 52-ख,  
52-ग और 52-घ  
का बढाया जाना।

(1) इस अधिनियम या तत्समय प्रवृत्त किसी अन्य विधि में किसी बात के होते हुए भी जहां किसी वन उपज, जो राज्य सरकार की सम्पत्ति है, के सम्बन्ध में किसी वन अपराध के किए जाने का विश्वास हो, वहां धारा-52 की उपधारा (1) के अधीन सम्पत्ति का अभिग्रहण करने वाला अधिकारी, बिना अयुक्तियुक्त विलम्ब के उसे अपराध करने में प्रयुक्त ऐसे समस्त औजारों, नावों, वाहनों, पशुओं, रस्सियों, जंजीरों और अन्य वस्तुओं सहित राज्य सरकार द्वारा इस निमित्त प्राधिकृत किसी अधिकारी के समक्ष, जो प्रभागीय वनाधिकारी की पक्ति से निम्न न हो, प्रस्तुत करेगा जो ऐसी सम्पत्ति की अभिरक्षा कब्जा, परिदान, निस्तारण या वितरण के सम्बन्ध में कारणों सहित, जो अभिलिखित किए जायेंगे एक लिखित आदेश देगा और औजारों, नावों, वाहनों, पशुओं, रस्सियों, जंजीरों और अन्य वस्तुओं की स्थिति में उन का अधिहरण भी कर सकता है।

52 (क) अभिग्रहण  
पर प्रक्रिया

(2) प्राधिकृत अधिकारी, बिना किसी अनुचित विलम्ब के, उपधारा (1) के अधीन दिए गये आदेशों की एक प्रति अपने पदीय वरिष्ठ को अग्रसारित करेगा।

(3) जहां उपधारा (1) के अधीन आदेश पारित करने वाले प्राधिकृत अधिकारी की राय हो कि सम्पत्ति शीघ्र और प्रकृत्या क्षयशील है, वहां वह ऐसी सम्पत्ति को या उसके किसी भाग को लोक नीलामी द्वारा बेचे जाने का आदेश दे सकता है और आगमों को इस प्रकार बरत सकता है जैसा कि वह उस सम्पत्ति को बरतता यदि वह बेची न गई होती और प्रत्येक ऐसी बिक्री की रिपोर्ट अपने पदीय वरिष्ठ को करेगा।

(4) उपधारा (1) के अधीन कोई आदेश उस व्यक्ति को जिससे सम्पत्ति का अभिग्रहण किया जाय और किसी अन्य व्यक्ति को जो प्राधिकृत अधिकारी को ऐसी सम्पत्ति में कुछ हित रखने वाला प्रतीत हो, बिना लिखित सूचना दिए नहीं दिया जायेगा। परन्तु किसी वाहन के अधिहरण करने के किसी आदेश में जहां अपराधी का कोई पता न चल सके, उसके रजिस्ट्रीकृत स्वामी को लिखित सूचना देना और उसकी आपत्तियों पर यदि कोई हो विचार करना, पर्याप्त होगा।

(5) किसी औजार, नाव, वाहन, पशु, रस्सी, जंजीर या अन्य वस्तु का अधिहरण करने का कोई आदेश नहीं दिया जायेगा यदि उपधारा (4) में निर्दिष्ट कोई व्यक्ति प्राधिकृत अधिकारी को संतोषजनक यह साबित कर दे कि ऐसे किसी औजार, नाव, वाहन, पशु, रस्सी, जंजीर या अन्य वस्तु का प्रयोग बिना उसकी जानकारी के या मौनानुकुलता से या यथास्थिति, बिना उसके रोचक या अभिकर्ता की जानकारी के मौनानुकुलता से किया गया था और वन अपराध के किए जाने के लिए उपर्युक्त वस्तुओं के प्रयोग के विरुद्ध सभी युक्तियुक्त पूर्वोपाय किए गये थे।

52-ख अपील

अधिहरण के किसी आदेश से व्यथित कोई व्यक्ति, उनकी ऐसे आदेश की सूचना के दिनोंक के तीस दिन के भीतर सम्बन्धित वृत्त के वन संरक्षक को अपील कर सकता है और वन संरक्षक अपीलार्थी और प्राधिकृत अधिकारी को सुने जाने का अवसर देने के पश्चात्, उस आदेश को जिसके विरुद्ध अपील की गई हो, पुष्टि, उपान्तरित या अभिशून्य करते हुए ऐसे आदेश पारित करेगा जैसा वह उचित समझे और वन संरक्षक का आदेश अंतिम होगा।

52-ग अधिहरण का आदेश किसी अन्य दण्ड को नहीं रोकेगा  
52-घ

धारा 52-क या 52-ख के अधीन अधिहरण का कोई आदेश ऐसे किसी दण्ड को दिए जाने से नहीं रोकेगा जिसका उससे प्रभावित, व्यक्ति इस अधिनियम के अधीन दायी हो सकता है।

इस अधिनियम या दण्ड प्रक्रिया संहिता, 1973 या तत्समय प्रवृत्त कतिपय मामलों में अधिकारिता पर रोक या किसी अन्य विधि में किसी प्रतिकूल बात के होते हुए भी, जब कभी राज्य सरकार की कोई वन उपज और उसके साथ कोई औजार, नाव, वाहन, पशु, रस्सी, जंजीर या अन्य वस्तु धारा 52 की उपधारा (1) के अधीन अभिग्रहित की जाय, तब प्रत्येक अन्य अधिकारी न्यायालय, न्यायाधिकरण या प्राधिकारी को उपवर्जित करते हुए धारा 52-क के अधीन वन संरक्षक प्राधिकृत अधिकारी को या धारा 52-ख के अधीन को सम्पत्ति का अभिरक्षा, कब्जे में रखने परिदान, निस्तारण या वितरण के सम्बन्ध में आदेश देने के लिए अधिकारित होगी।

धारा 53 का संशोधन

8. मूल अधिनियम की धारा 53 में-

(एक) शब्द "छकड़ों या पशुओं" के स्थान पर "वाहनों, पशुओं, रस्सियों, जंजीरों, या अन्य वस्तुयें" रख दिये जायेंगे।

(दो) शब्द "बन्ध घत्र निष्पादित किये जाने पर", के पश्चात् शब्द "धारा 52-क के अधीन आने वाले मामलों के, जिनके लिये उस धारा में दी गयी प्रक्रिया का अनुसरण किया जायेगा", बढ़ा दिये जायेंगे।

धारा 55 का संशोधन

9. मूल अधिनियम की धारा 55 में, उपधारा (1) में शब्द "ऐसे वन विषयक अपराध के करने में प्रयुक्त सब छकड़े, पशु" के स्थान पर शब्द, "वाहन, पशु रस्सियां, जंजीरें और वस्तुयें" रख दिये जायेंगे।

धारा 57 का संशोधन

10. मूल अधिनियम की धारा 57 में, शब्द "कोई अपराध किया गया है, तो" के पश्चात् शब्द "धारा 52 घ के अधीन रहते हुये" बढ़ा दिये जायेंगे।

धारा 58 का संशोधन

11. मूल अधिनियम की धारा 58 में शब्द "मजिस्ट्रेट, धारा 52 के अधीन अभिग्रहीत और शीघ्र और प्रकृत्या क्षयशील सम्पत्ति के विक्रय के लिये, इसमें इसके पूर्व अन्तर्विष्ट किसी बात के होते हुये भी" के स्थान पर शब्द "धारा 52 के अधीन अभिग्रहीत की गई और शीघ्र और प्रकृत्या क्षयशील सम्पत्ति के विक्रय के लिये, इसमें इसके पूर्व अन्तर्विष्ट किसी बात के होते हुए भी, किन्तु धारा 52-क की उपधारा (3) के अधीन रहते हुये, मजिस्ट्रेट" रख दिये जायेंगे।

12. मूल अधिनियम की धारा 60 को उपधारा (1) के रूप में पुनः संख्याकित किया जायेगा और इस प्रकार पुनः संख्याकित उपधारा (1) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायेगी,—(2) जब धारा 52-क के अधीन अधिहरण के लिए आदेश पारित किया जा चुका है और अपील या पुनरीक्षण के लिए परिसीमा अवधि बीत गयी है और कोई अपील या पुनरीक्षण प्रस्तुत नहीं किया गया है या जब अपील या पुनरीक्षण में सम्पूर्ण सम्पत्ति या उसके किसी भाग के लिए अधिहरण के आदेश की पुष्टि की जा चुकी है तो, यथास्थिति, ऐसी सम्पूर्ण सम्पत्ति या उसका कोई भाग सभी विल्लगंगो से मुक्त होकर राज्य सरकार में निहित हो जायेगा”।

13. मूल अधिनियम की धारा 61-के पश्चात्, निम्नलिखित धाराएं बढ़ा दी जायेंगी— नयी धारा 61-क और धारा 61-ख का बढ़ाया जाना

(1) यदि प्रभागीय वनाधिकारी से अनिम्न पंक्ति के किसी वन अधिकारी की यह राय हो कि कोई व्यक्ति जो आरक्षित या संरक्षित वन के रूप में गठित क्षेत्र में किसी भूमि के अप्राधिकृत अध्यासन में है और उसे बेदखल किया जाना चाहिये तो वन अधिकारी लिखित में सूचना देगा, जिसमें सम्बन्धित व्यक्ति को ऐसी दिनांक को या उसके पूर्व जो नोटिस में विनिर्दिष्ट है, कारण बताने को कहा जायेगा कि बेदखली का आदेश क्यों न दिया जाय।

(2) यदि इस धारा के अधीन सूचना के अनुसरण में दिखाये गये कारण पर, यदि कोई हो, विचार करने के पश्चात् वन अधिकारी का यह समाधान हो जाय कि उक्त भूमि अप्राधिकृत अध्यासन में है, तो वह ऐसे कारणों से जो उसमें अभिलिखित किए जायेंगे बेदखली का आदेश दे सकता है जिसमें यह निर्देश होगा कि उक्त भूमि को ऐसे दिनांक तक जैसा आदेश में विनिर्दिष्ट किया जाय, जो आदेश के दिनांक से दस दिन से कम नहीं होगा, सम्बन्धित व्यक्ति द्वारा रिक्त कर दिया जायेगा।

(3) यदि कोई व्यक्ति आदेश में विनिर्दिष्ट दिनांक तक बेदखली के आदेश का अनुपालन करने से इन्कार करता है या विफल रहता है तो वन अधिकारी, जिसने उपधारा (2) के अधीन आदेश दिया था या उसके द्वारा इस निमित्त सम्यक रूप से प्राधिकृत कोई अन्य वन अधिकारी, उस व्यक्ति को उक्त भूमि से बेदखल कर सकता है और उसका कब्जा ले सकता है और इस प्रयोजन के लिए बल का प्रयोग कर सकता है, जैसा आवश्यक हो।

(4) उपधारा (2) के अधीन वन अधिकारी के आदेश से व्यथित कोई व्यक्ति, ऐसी अवधि के भीतर और ऐसी रीति से जैसी विहित की जाए, ऐसे आदेश के विरुद्ध वृत्त के वन संरक्षक को या ऐसे अधिकारी को जिसे राज्य सरकार द्वारा इस निमित्त प्राधिकृत किया जाय, अपील कर सकता है और वन संरक्षक या प्राधिकृत अधिकारी का आदेश ऐसी अपील के विनिश्चय के अधीन रहते हुए, अन्तिम होगा।

(1) जहां कोई व्यक्ति धारा 61-क के अधीन किसी भूमि से बेदखल कर दिया गया हो वहां वन अधिकारी उस व्यक्ति को जिससे भूमि का कब्जा लिया गया है, कम से कम दस दिन की नोटिस देने के पश्चात्, ऐसी भूमि पर अवशेष किसी सम्पत्ति को, जिसके अन्तर्गत गिराए गये भवन की कोई सामग्री या खड़ी फसल भी है, हटा सकता है या हटवा सकता है या लोक नीलामी द्वारा उसका निस्तारण कर सकता है।

(2) जहां उपधारा (1) के अधीन कोई सम्पत्ति बेची जाय वहां उसके विक्रय आगम का भुगतान, विक्रय के व्ययों की और भूमि को उसके मूल रूप में लाने के लिए आवश्यक व्ययों की कटौती करने के पश्चात्, सम्बन्धित व्यक्ति को किया जायेगा।

14. मूल अधिनियम की धारा-65 के पश्चात् निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात् नई धारा-65क को बढ़ाया जाना

(1) इस अधिनियम में या दण्ड प्रक्रिया संहिता, 1973 में किसी बात के होते हुए भी, धारा 26 या धारा 33 या धारा 42 या धारा 63 के अधीन दण्डनीय कोई अपराध अजमानतीय होगा। 65-क कतिपय अपराध अजमानतीय होंगे

61-क अप्राधिकृत अध्यासियों की 61(क) संक्षिप्त बेदखली

61 ख-अप्राधिकृत अध्यासी द्वारा भूमि पर छोड़ी गयी सम्पत्ति निस्तारण



(2) उपर्युक्तानुसार किसी अपराध के दोषी व्यक्ति को, यदि अभिरक्षा में है, जमानत पर या उसके निजी बन्धपत्र पर निर्मुक्त नहीं किया जायेगा, जब तक कि—

(क)—अभियोजन पक्ष को ऐसी निर्मुक्ति के लिए आवेदन पत्र का विरोध करने के लिए अवसर न दिया गया हो, और

(ख)—जहाँ अभियोजन पक्ष उपर्युक्तानुसार आवेदन पत्र का विरोध करता है, वहाँ न्यायालय का यह समाधान न हो जाये कि यह विश्वास करने के लिए युक्तियुक्त आधार है कि वह ऐसे अपराध का दोषी नहीं है।

धारा 68 का संशोधन 15. मूल अधिनियम की धारा 68 में, उपधारा (3) में—

(एक) शब्द "और कम से कम सौ रुपये मासिक वेतन पाता है" निकाल दिये जायेंगे,

(दो) शब्द "पचास रुपये" के स्थान पर शब्द "प्रथम अपराध के लिये पांच हजार रुपये और उसी प्रकृति के द्वितीय और अनुवर्ती अपराध के लिये पांच हजार रुपये से कम या दस हजार रुपये से अधिक नहीं होगी" रख दिये जायेंगे।

धारा 74 का प्रतिस्थापन

सदभाव से किये गये कार्यों के लिये परित्राण

16. मूल अधिनियम की धारा 74 के स्थान पर, निम्नलिखित धारा रख दी जायेगी, अर्थात्—

इस अधिनियम या तदधीन बनाये गये नियमों या दिए गये आदेशों के अनुसरण में राज्य सरकार या किसी लोक सेवक द्वारा सदभावना पूर्वक किए गए या किए जाने के लिए तात्परित किसी कार्य के लिए उसके विरुद्ध कोई वाद, अभियोजन या अन्य विधिक कार्यवाही नहीं की जायेगी।

धारा 77 का संशोधन

17. मूल अधिनियम की धारा 77 में, शब्द "एक मास तक का हो सकेगा या जुर्माने से जो पांच सौ रुपये तक का हो सकेगा" के स्थान पर शब्द "एक वर्ष तक हो सकेगा या जुर्माने से जो दो हजार रुपये तक का हो सकेगा" रख दिये जायेंगे।

धारा 79 का संशोधन

18. मूल अधिनियम की धारा 79 की, उपधारा (2) में शब्द "एक मास तक का हो सकेगा या जुर्माने से जो दो सौ रुपये तक का हो सकेगा" के स्थान पर शब्द "एक वर्ष तक का हो सकेगा या जुर्माने से जो दो हजार रुपये तक का हो सकेगा" रख दिये जायेंगे।

धारा 82 का प्रतिस्थापन

सरकार की शोध्य धन की वसूली

19. मूल अधिनियम की धारा 82 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात्—

इस अधिनियम या तदधीन बनाये गये किसी नियम के अधीन, या किसी वन उपज की या किसी आरक्षित या संरक्षित वन में राज्य सरकार के स्वामित्वाधीन भूमि पर उत्पन्न की गई किसी कृषि फसल की कीमत या वन उपज या उक्त कृषि फसल की कीमत या वन उपज या उक्त कृषि फसल से सम्बन्धित किसी संविदा के अधीन राज्य सरकार को जुर्माने से भिन्न देय सब धन जिसके अन्तर्गत उस संविदा के उल्लंघन के लिए या उसके रद्द किए जाने के परिणामस्वरूप उसके आधार पर वसूलीय कोई धनराशि भी है, या ऐसी कृषि फसल या अन्य वन उपज की नीलामी द्वारा, या किसी वन अधिकारी द्वारा या उसके प्राधिकारी के अधीन जारी किए गए टेन्डरों को आमंत्रित करके बिक्री से सम्बन्धित नोटिस के शर्तों के अधीन देय धन और इस अधिनियम के अधीन राज्य सरकार को दिए गये समस्त प्रतिकर, यदि शोध्य होने पर न दिए गये हों, तत्समय प्रवृत्त विधि के अधीन ऐसे वसूल किए जा सकेंगे माने वे भू-राजस्व की बकाया हो।

आज्ञा से,

(आर० पी० पाण्डेय)

सचिव।

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Indian Forest (Uttaranchal Amendment) Bill, 2001 (Uttaranchal Adhiniyam Sankhya 10 of 2002):

No. 240/Vidhayee and Sansadiya Karya/2002  
Dated Dehradun, August 01, 2002

NOTIFICATION  
Miscellaneous

As passed by the Uttaranchal Legislative Assembly and assented to by the President on July 17, 2002.

THE INDIAN FOREST (UTTARANCHAL AMENDMENT) ACT, 2001  
(Act no. 10 of 2002)

to amend the Indian Forest Act, 1927 in its application to Uttaranchal

AN  
ACT

It is HEREBY enacted in the Fifty-Second Year of the Republic of India as follows :-

1. (1) This Act may be called the Indian Forest (Uttaranchal Amendment) Act, 2001.  
(2) It shall extend to the whole of Uttaranchal.  
(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.
2. In section 2 of Indian Forest Act, 1927; hereinafter referred to as the principal Act, the following clause shall be inserted, namely :  
2--A "authorised officer" means an officer authorised under sub-section (1) of section 52-A.
3. In section 26 the principal Act, in sub-section (1) -
  - (i) In clause (b) after the words "reserved forest" the words "or "to a forest in the land in respect of which a notification under section 4 has been issued" shall be inserted;
  - (ii) in clause (e) for the word "dragging" the word "removing" shall be substituted;
  - (iii) in clause (f) after the words "the same" the words "or any forest produce" shall be inserted;
  - (iv) for the words "shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both;" the words "shall, for an Act described under clause (b) or clause (f) or clause (g) or clause (h), be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both and on the second and every subsequent conviction for the same offence, with imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees but which shall not be less than five thousand rupees, or with both, and for an Act described under any of the other clauses, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both, and on the second and every subsequent conviction for the same offence, with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both," shall be substituted.

Short title,  
extent and  
commencement

Amendment  
of section 2 of  
Act no. XVI of  
1927

Amendment of  
section 26

- Amendment of section 33
4. In section 33 of the principal Act, in sub-section (1) --
- (i) in clause (c) after the words "or clears" the words "or, attempts to break-up or clear" shall be inserted;
  - (ii) in clause (f) for the word "drags" the word "removes" shall be substituted;
  - (iii) for the words "six months, or with fine which may extend to five hundred rupees, or with both" the words "two years, or with fine which may extend to five thousand rupees, or with both and on the second and every subsequent conviction for the same offence, with imprisonment for a term which may extend to two years and with fine which may extend to ten thousand rupees" shall be substituted.
- Amendment of section 42
5. In section 42 of the principal Act, in sub-section (1), or the words "six month, or fine which may extend to five hundred rupees" the words "two years, or fine which may extend to five thousand rupees" shall be substituted.
- Amendment of section 52
6. In section 52 of the principal Act--
- (i) in sub-section (1), for the words "carts or cattle" the words "vehicles, cattle, ropes, chains or other articles" shall be substituted;
  - (ii) for sub-section (2), the following sub-sections shall be substituted, namely--
 

"(2) Any Forest Officer or Police Officer may, if he has reason to believe that a boat or vehicle has been, or is being, used for the transport of any forest produce in respect of which a forest offence has been, or is being, committed, require the driver or other person in charge of such boat or vehicle to stop it, and he may detain such boat or vehicle for such reasonable time as is necessary to examine the contents in such boat or vehicle and to inspect the records relating to the goods transported so as to ascertain the claims, if any, of the driver or other person in-charge of such boat or vehicle regarding the ownership and legal origin of the forest produce in question.

(3) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made, and if the seizure is in respect of forest produce which is the property of the State Government, shall also make a report to the authorised officer."
- Insertion of new section 52-A, 52-B, 52-C and 52-D
7. After section 52 of the principal Act, the following sections shall be inserted, namely--
- "52-A procedure on seizure--(1) Notwithstanding anything contained in this Act or any other law for the time being in force, where a forest offence is believed to have been committed in respect of any forest produce, which is the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall, without unreasonable delay, produce it together with all the tools, boats, vehicles, cattle, ropes, chains and other articles used in committing the offence before an officer, not below the rank of a Divisional Forest Officer, authorised by the State Government in this behalf, who may, for reasons to be recorded, make an order in writing with regard to custody, possession, delivery, disposal or distribution of such property, and in case of tools, boats, vehicles, cattle, ropes, chains and other articles, may also confiscate them.
- (2) The authorised officer shall, without any undue delay, forward a copy of the order made under sub-section (1) to his official superior.

(3) Where the authorised officer passing an order under sub-section (1) is of the opinion that the property is subject to speedy and natural decay he may order the property or any part thereof to be sold by public auction and may deal with the proceeds as he would have dealt with such property if it had not been sold and shall report about every sale to his official superior.

(4) No order under sub-section (1) shall be made without giving notice, in writing, to the person from whom the property is seized, and to any other person who may appear to the authorised officer to have some interest in such property :

Provided that in an order confiscating a vehicle, when the offender is not traceable, a notice in writing to the registered owner thereof and considering his objections if any will suffice.

(5) No order of confiscation of any tool, boat, vehicle, cattle, ropes, chain or other article shall be made if any person referred to in sub-section (4) proves to the satisfaction of the authorised officer that any such tool, boat, vehicle, cattle, rope, chain or other article was used without his knowledge or connivance or without the knowledge or connivance of his servant or agent, as the case may be, and that all reasonable precautions had been taken against use of the objects aforesaid for the commission of the forest offence.

**52-B Appeal**—Any person aggrieved by an order of confiscation may, within thirty days of the date of communication to him of such order, prefer an appeal to the Conservator of the forests of the circle who shall, after giving an opportunity of being heard to the appellant and the authorised officer, pass such order as it may think fit confirming, modifying or annulling the order appealed against and the order of the Conservator of the forests of the circle shall be final.

**52-C Order of confiscation not to prevent any other punishment**—No order of confiscation under section 52-A or 52-B shall prevent the infliction of any punishment to which the person affected thereby may be liable under this Act.

**52-D Bar of Jurisdiction in certain cases**—Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, whenever any forest produce belonging to the State Government together with any tool, boat, vehicle, cattle, rope, chain or other article is seized under sub-section (1) of section 52, the authorised officer under section 52-A or the State Government under section 52-B shall have jurisdiction; to the exclusion of every other officer, court, Tribunal or authority, to make orders with regard to the custody, possession, delivery, disposal or distribution of the property.

8. In section 53 of the principal Act, --

- (i) for the words "carts or cattle" the words "vehicle, cattle, ropes, chains or other articles" shall be substituted;
- (ii) after the words "the seizure has been made" the words "except in respect of cases falling under section 52-A for which the procedure laid down in that section shall be followed" shall be inserted.

Amendment of section 53.

9. In section 55 of the principal Act, in sub-section (1) for the words "Carts and cattle used in committing any forest offence" the words "vehicles, cattle, ropes, chains and other articles used in committing such forest offence" shall be substituted.

Amendment of section 55

10. In section 57 of the principal Act, for the words "The Magistrate may" the words "The Magistrate, subject to section 52-D, may", shall be substituted.

Amendment of section 57

- Amendment of section 58 11. In section 58 of the principal Act for the words "The Magistrate may, notwithstanding anything hereinbefore contained," the words "Notwithstanding anything hereinbefore contained, but subject to sub-section(3) of section 52-A, the magistrate may," shall be substituted.
- Amendment of section 60 12. Section 60 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered the following sub-section shall be inserted, namely:--  
 "(2) When an order for confiscation has been passed under section 52-A and the period of limitation for an appeal or revision has elapsed and no appeal or revision has been preferred or when an appeal or revision the order for confiscation for whole or a portion of the property has been confirmed, the property or such portion, as the case may be, shall vest in the State Government free from all encumbrances."
- Insertion of new sections 61-A and 61-B 13. After section 61-A of the principal Act, the following sections shall be inserted, namely--  
**"61-A Summary eviction of unauthorised occupants--**(1) If a Forest Officer, not below the rank of a Divisional Forest Officer, is of the opinion that any person is in unauthorised occupation of any land in areas constituted as a reserved or protected forest under section 20 or section 29, as the case may be, and that he should be evicted, the Forest Officer shall issue a notice in writing calling upon the person concerned to show cause, on or before such date as is specified in the notice, why an order of eviction should not be made.  
 (2) If after considering the cause, if any, shown in pursuance of a notice under this section, the Forest Officer is satisfied that the said land is in unauthorised occupation, he may make an order of eviction for reasons to be recorded therein, directing that the said land shall be vacated by such date, as may be specified in the order, by the person concerned, which shall not be less than ten days from the date of the order.  
 (3) if any person refuses or fails to comply with the order of eviction by the date specified in the order, the Forest Officer who made the order under sub-section (2) or any other Forest Officer, duly authorised by him in this behalf, may evict that person from and take possession of the said land and may, for this purpose, use such force as may be necessary.  
 (4) Any person aggrieved by an order of the Forest Officer under sub-section (2) may, within such period and in such manner as may be prescribed, appeal against such order to the Conservator of Forests of the circle or to such officer as may be authorised by the State Government in this behalf and the order of the Forest Officer shall, subject to the decision in such appeal, be final.  
**61-B Disposal of property left on land by unauthorised occupant--**(1) Where any person has been evicted from any land under section 61-B, the Forest Officer may, after giving not less than ten days notice to the person from whom possession of the land has been taken remove or cause to be removed or dispose of, by public auction, any property remaining on such land including any material of a demolished building or standing crop.  
 (2) Where any property is sold under sub-section(1) the sale proceeds thereof shall, after deducting the expenses of the sale and the expenses necessary to restore the land to its original condition, be paid to the person concerned."
- Insertion of new section 65-A 14. After section 65 of the principal Act, the following sections shall be inserted, namely--

**"65-A Certain offences to be non-bailable--(1)** Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973, any offence punishable under section 26, or section 33 or section 42 or section 63 shall be non-bailable.

(2) No person accused of any offence as aforesaid shall, if in custody, be released on bail or on his own bond unless--

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application as aforesaid, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offences."

15. In section 68 of the principal Act, in sub-section (3)--

Amendment of section 68

(i) the words "and is in receipt of a monthly salary amounting to atleast one hundred rupees" shall be omitted;

(ii) for the words "fifty rupees" the words "five thousand rupees for the first offence and for second subsequent offence of the same nature shall not be less than five thousand rupees or more than ten thousand rupees." shall be substituted.

16. For section 74 of the principal Act the following section shall be substituted, namely--

Substitution of section 74

**"74 Indemnity for acts done in good faith--**No suit, prosecution or other legal proceeding shall lie against the State Government or any public servant for anything done by him under this Act or rules or orders made thereunder."

17. In section 77 of the principal Act for the words "one month, or fine which may extend to five hundred rupees" the words "one year, or with fine which may extend to two thousand rupees" shall be substituted.

Amendment of section 77

18. In section 79 of the principal Act, in sub-section (2) for the words "one month, or with fine which may extend to two hundred rupees", the words "one year, or with fine which may extend to one thousand rupees", shall be substituted.

Amendment of section 79

19. for section 82 of the principal Act the following section shall be substituted, namely--

Substitution of section 82

**"82 Recovery of money due to State Government--**All money, other than fines, payable to the State Government under this Act or under any rule made thereunder or on account of the price of any forest produce or any agricultural crop grown on land owned by the State Government in a reserved or protected forest or under any contract relating to forest produce or said agricultural crop, including any sum recoverable thereunder for breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of such agricultural crop 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."

By Order,

(R. P. PANDEY)

Sachiv.

उत्तर प्रदेश सरकार  
 वन अनुभाग -3  
 संख्या: 425(3)/14-तीन-30/73  
 लखनऊ, दिनांक: मार्च 8, 1973

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अधिपूचना

प्रतीर्ण

वि. कास्टल लाइफ (प्रोटेक्शन) रूफ्ट, 1972 (रेक्ट संख्या 50, 1972) की धारा 55 के अधीन शक्तिपी का प्रयोग करके राज्यपाल उत्तर प्रदेश वन प्रयोगों के प्रसारण उप-अध्यक्षाली तथा उत्तर प्रदेश के वन जीव प्रतिपालकों में उक्त रेक्ट के अधीन अपरापी के निरक्ष परिवाद निदेशित करने का प्राणिकार देता है।

आज्ञा से,

प्रकाश कुम्व  
 आयुक्त राज्य सचिव

संख्या 425(4)/14-तीन-30/73  
 =====

प्रतिशोध, विज्ञापित की एक अधीनी प्रति शीत, अवगत कुम्व रम्व लेखन आदेशों, उत्तर प्रदेश, इलाहाबाद को इस निवेदन से प्रेषित कि विज्ञापितों को नकुट के आतापी जंत में प्रकाशित कर दें तथा उसी 50 प्रति-इस अनुसार में देवें।

आज्ञा से,

(*महेन्द्र पांडे*)  
 उप सचिव

संख्या 425(5)/14-तीन-  
 =====

प्रतिशोध निरक्ष विज्ञापित में सूचनाएँ तथा आवश्यक कार्यवाही हेतु वेपत्र :-

- (1) कुम्व अधीनी, उत्तर प्रदेश, लखनऊ।
- (2) कुम्व अधीनी, प्रोटेक्शन, उत्तर प्रदेश, लखनऊ।
- (3) कुम्व अधीनी कुम्व अधीनी प्रोटेक्शन (प्रकाशित), उत्तर प्रदेश, लखनऊ।
- (4) कुम्व अधीनी कुम्व अधीनी, उत्तर प्रदेश।
- (5) कुम्व अधीनी, उत्तर प्रदेश।
- (6) कुम्व अधीनी कुम्व अधीनी, उत्तर प्रदेश।
- (7) कुम्व अधीनी कुम्व अधीनी, उत्तर प्रदेश।
- (8) कुम्व अधीनी कुम्व अधीनी, उत्तर प्रदेश।
- (9) कुम्व अधीनी कुम्व अधीनी, उत्तर प्रदेश।

संख्या-576/14-सीन-3/73  
दिनांक 14 मार्च, 1973

अधिसूचना

प्रकीर्ण

दि 14 मार्च 1973 को संख्या 50, 1972 की धारा 50 के साथ पिछले धारा 7 की उप धारा 13 के अधीन शीपर्सों का प्रयोग करके राज्याल 'मैजस्ट्री' नियमित अर्थों में, जिन प्राधिकृत अधिकारी पक्ष आयगा, तथा ऐक्ट की धारा 50 की उप धारा 13 के तहत शीपर्सों का प्रयोग करके उप धारा 13 के अधीन शीपर्सों का प्रयोग करने का प्राधिकार देते हैं:—

- 1- निदेशक, मार्क एवं वस्तु विभाग
- 2- वन्य जन्तु प्रिमाणिक
- 3- सहायक वन्य जन्तु प्रिमाणिक
- 4- वन्य जन्तु रक्षक

आज्ञा से,

प्रमोद प्रसाद  
आयुक्त वन्य जीव

संख्या-576/14-सीन-3/73

प्रिमाणिक, अधिसूचना की प्रतिलिपि के संकेत, अधीन, प्रमोद प्रसाद, वन्य जन्तु प्रिमाणिक, उत्तर प्रदेश, झांझाबाद को इस निदेश के प्रिमाणिक अधिसूचना की कत के आगामी अंक में, प्रकाशित करने के लिए धारा 50 अधीन प्रिमाणिक या अनुभाग को भेजे जाते हैं।

आज्ञा से

हस्ताक्षर

प्रमोद प्रसाद  
वन्य जीव

संख्या-576/14-सीन-3/73

प्रिमाणिक, अधिसूचना की प्रतिलिपि के संकेत, अधीन, प्रमोद प्रसाद, वन्य जन्तु प्रिमाणिक, उत्तर प्रदेश, झांझाबाद को इस निदेश के प्रिमाणिक अधिसूचना की कत के आगामी अंक में, प्रकाशित करने के लिए धारा 50 अधीन प्रिमाणिक या अनुभाग को भेजे जाते हैं।







उत्तर प्रदेश सरकार

वन अनुभाग-4

संख्या- 2885/11/14-4-93

लेखन उ:दिनांक: 18 अप्रैल, 1973

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अधिसूचना

वन्य जीवों की संरक्षण अधिनियम, 1972 अधिनियम संख्या 53 वर्ष 1972 की धारा 4 की उप धारा 11 के खण्ड 1ख और 1ग के अधीन शक्ति का प्रयोग करके राज्यपाल समस्त क्षेत्रीय वन संरक्षकों और क्षेत्रीय निदेशकों को अपर मुख्य वन्य जीव प्रत्यालक, प्रभागीय वन अधिकारियों और प्रभागीय निदेशकों को उप मुख्य वन्य जीव प्रत्यालक, सहायक वन संरक्षकों को वन्य जीव प्रत्यालक और वन रेंजरों, उप रेंजरों और वन दरोगाओं का रेक्टर को सहायक वन्य जीव प्रत्यालक के रूप में, अपनी-अपनी क्षेत्रीय अधिकारिता के अंतर्गत, उक्त अधिनियम के प्रयोजनों के लिए नियुक्त करते हैं।

आज्ञा से,

मोहिन्दर सिंह  
प्रमुखा सचिव।

संख्या- 2885/11/14-4-93-तददिनांक।

प्रतिलिपि निदेशक, मुद्रण एवं लेखन सामग्री, उत्तर प्रदेश, लखनऊ को उपरोक्त अनुवाद सहित इस आशय से प्रेषित कि वे कृपया इस अधिसूचना को उत्तर प्रदेश असाधारण गजट के विधायी परिशिष्ट के भाग-4 खण्ड 1ख में आगामी अंक में प्रकाशित करने का कष्ट करें और उसकी 1000 प्रतियां तैयार कर वन अनुभाग-4 को भेज दें।

आज्ञा से,

पितामह शर्मा  
वन सचिव।

संख्या- 111/14-4-93-तददिनांक।

- 1 प्रतिलिपि निम्नलिखित को अवगत एवं आवश्यक कार्रवाई के लिए -
- 1 प्रमुखा वन संरक्षक, उत्तर प्रदेश, लखनऊ।
- 2 निदेशक वन संरक्षण, वन्य जीव, उत्तर प्रदेश, लखनऊ।
- 3 निदेशक वन संरक्षण, प्रभागीय वन्य जीव, उत्तर प्रदेश, लखनऊ।
- 4 अतिरिक्त मुख्य वन संरक्षक, उत्तर प्रदेश।
- 5 राज्य वन्य जीव प्रत्यालक, उत्तर प्रदेश, लखनऊ।
- 6 क्षेत्रीय वन्य जीव प्रत्यालक, उत्तर प्रदेश, लखनऊ।
- 7 समस्त वन संरक्षक क्षेत्रीय निदेशक, प्रभागीय वन्य जीव।
- 8 समस्त प्रभागीय वन्य जीव अधिकारी, प्रभागीय निदेशक, उत्तर प्रदेश।

**Important Judgments Related To The Indian Forest Act,  
1927 and Wildlife Protection Act, 1972**



S NO	TITLE & CITATION	SUBJECT	ABSTRACT
1.	<p>In Re: T.N. Godavarman Thirumulpad Vs. Union of India  <b>2024 SCC OnLine SC 243</b></p>	<p>Tiger conservation in the Jim Corbett National Park            Preservation of forests and wildlife</p>	<p>This case revolved around preservation of forests and wildlife, particularly in critical habitats like Tiger Reserves, relies on adherence to statutory provisions under laws. The Hon'ble Supreme Court issued directions, those include the prohibition of illegal constructions, felling of trees, and any activity that disrupts the ecological balance or wildlife corridors. Forest officials are mandated to prioritize habitat protection, regulate human activities in buffer zones, and ensure compliance with conservation plans by the National Tiger Conservation Authority (NTCA).</p>
2.	<p>Santosh Lal Chaudhary Vs. State of Uttarakhand  <b>2020 SCC OnLine Utt 364</b></p>	<p>Under Section 50 of the Wild Life Act, Police Officers of a specific rank are authorized to conduct searches and arrests</p>	<p>The Hon'ble High Court of Uttarakhand held that under Section 50 of the Act, Police Officers of a specific rank are authorized to conduct searches and arrests. The Hon'ble High Court rejected the contention of dual FIRs, clarifying that the subsequent complaint filed by the forest department was a continuation of the process. Range Officer, was found competent under 1976</p>

notification, which had not been superseded. The petitioner's argument regarding the need for a 60-day notice under Section 55(c) of the Act was dismissed as inapplicable to authorized officers. The court upheld the procedural legality of the investigation and subsequent actions.

It has been observed that-

***“12. The above sub section categorically reveals that once recovery is made, the person detained, or things seized shall be taken before the Magistrate under the intimation to Chief Warden or Officer authorized by him. This is what has been done in the instant case. On 30.01.2003 itself, the Forest Department was informed to take further action. Chik FIR was recorded and case lodged in the GD of the Police Station. The Police Officer, records in GD, (report no.3 0305, Police Station - Ranikhet dated 29.01.2003) that in view of the monitoring cell meeting, the matter has to be handed over to Forest Department. But, the Forest Officers, on being contacted, expressed their ignorance. Therefore, the action of PW3 Jagdish Pathak cannot be termed as illegal. He was aware that the matter has to be handed over to Forest Department. Although,***

			<p><i>according to the Forest Department, by virtue of notification dated 30.04.1976, Police authorities were also competent to file a complaint. In view of it, it cannot be said that lodging of FIR and arrest of the revisionist in any manner, vitiated the trial.</i></p> <p><i>13. Insofar as, information to Forest Department is concerned, it has been proved that on 30.01.2003 itself, information was given to the Forest Department. It is also not any violation of Section 50(4) of the Act. The GD entry of the Police Station, as referred to hereinabove, which is proved by the prosecution, makes mention that soon after the arrest, the Forest Department was contacted, but they expressed their ignorance. In view of it, it cannot be said that there has been any violation of Section 50(4) of the Act.”</i></p>
<p>3.</p>	<p>Citizens For Green Doon and Others Vs. Union of India and Others <b>2021 SCC OnLine SC 1243</b></p>	<p>Char Dham Highway Project in Uttarakhand and it’s ecological impact in the fragile Himalayan region</p>	<p>The case revolved around the environmental concerns raised against the Char Dham Highway Project in Uttarakhand, focusing on its ecological impact in the fragile Himalayan region. The petitioners contended that the project caused deforestation, soil erosion, and disrupted local ecosystems, violating environmental safeguards. The Hon’ble Supreme Court upheld the strategic importance of the project but emphasized the need</p>

			to balance development with environmental preservation. The court allowed road widening under the Double Lane Paved Shoulder (DLPS) standard for strategic purposes while directing strict compliance with environmental laws and measures to mitigate ecological damage.
4.	<p style="text-align: center;">Chait Ram Goswami Vs State of Uttarakhand and Another <b>Criminal Revision No. 272 of 2011</b> Decided on 30 <b>April, 2024</b></p>	<p style="text-align: center;">Offence of mischief by killing maiming</p>	<p>Hon'ble Uttarakhand High Court observed that-</p> <p><i>“10. In the instant case, it has been the case of the prosecution that the revisionist was negligent in maintaining the electric wire, whereas, it has been the case of the revisionist that the department has never been negligent. It is the nature who raised the platform below the live electric wire, due to which the elephant reached at the platform and his trunk touched the live electric wire. Negligence or an intention or knowledge, both are quite separate. In the instant case, it has not been the prosecution case that the applicant has any intention to kill the elephant or he has any knowledge that by any act attributed to him, the elephant may die. Therefore, there is no ground to frame charge under Section 428 IPC against the revisionist. To that extent, the impugned judgment and order is bad in the eye of law and it deserves to be set aside and the revision allowed.”</i></p>



5.	<p style="text-align: center;">Devinder Vs. Lt. Governor and Others <b>2023 SCC OnLine Del 7729</b></p>	<p>Encroachment on forest land in the Aravalli hill range, specifically in the Asola Bhatti Wildlife Sanctuary</p>	<p>Hon'ble Delhi High Court addressed the encroachment on forest land in the Aravalli hill range, specifically in the Asola Bhatti Wildlife Sanctuary, and evaluated proposed events in the sanctuary. The petitioners argued that such activities violated conservation laws. Concerns were raised about the lack of environmental impact assessment, inadequate waste management plans, and potential harm to wildlife due to human intervention. The Hon'ble Court observed that the sanctuary serves as a critical ecological zone for preserving biodiversity. While the Forest Department justified the events as eco-friendly awareness initiatives, the court emphasized that any activities must align strictly with legal mandates, particularly those under Section 28 of the Wildlife (Protection) Act, which allows limited, regulated permissions. The Hon'ble court reaffirmed the sanctuary's protected status and directed compliance with laws to ensure the preservation of its natural habitat.</p>
6.	<p style="text-align: center;"><b>WPMS/745/202 4</b> Decided on <b>12 April 2024</b></p>	<p>Eviction order under Section 61-A(3) of Indian Forest Act, 1927</p>	<p>In this case Petitioner has challenged the eviction order dated 23.01.2024 passed by Authorised Officer/Divisional Forest Officer, Tarai Paschami Forest Division, Ramnagar, District Nainital under Section 61-A(3) of Indian Forest Act, 1927, as amended by Uttaranchal</p>

			<p>Amendment Act, 2001. He has also challenged the order dated 11.03.2024 passed by Appellate Authority/Conservator of Forest, Western Circle, Haldwani, District Nainital, whereby his appeal was dismissed.</p> <p>Hon'ble Uttarakhand High Court observed that- <b><i>“6. The eviction order, impugned in this writ petition, entails civil consequences to the petitioner, therefore, reasonable opportunity of hearing should have been provided to him before passing such order. In the present case, sufficient time was not given to petitioner to have a say in the matter. Proceedings of the case ought to have been adjourned in order to provide opportunity to petitioner to collect relevant documents.”</i></b></p>
7.	<p>Suo Motu PIL in the matter of Hunting Down the Man Eater Leopard in the Village Bhimtal Area Vs. Principal Secretary Forest and Environment, Govt. of</p>	<p>Procedure for issuing orders to hunt or kill a "man-eater" leopard in Uttarakhand</p>	<p>This case addresses the procedure for issuing orders to hunt or kill a "man-eater" leopard in Bhimtal area, Uttarakhand. The case arose after several fatalities linked to a wild animal, allegedly a leopard, in the Bhowali area. The Hon'ble High Court of Uttarakhand examined the actions of the Chief Wildlife Warden (CWW), who had authorized hunting of the animal under Section 11(1)(a) of the Wildlife Protection Act.</p> <p>It was observed that- <b><i>“10. But, still we cannot shy-away from our responsibility to lay down the basic guidelines, which have been provided under</i></b></p>

Uttarakhand  
Civil Secretariat  
Dehradun and  
Others  
2023 SCC  
Online Utt 2218

*the Act itself, before a Chief Wildlife Warden takes a call to issue any directions to kill a man-eater and that too particularly it has to strictly governed as provided under its first proviso to Section 11 of the Act. Section 11 of the Act itself is not a mandatory condition to issue a direction to hunt because it uses the word "may". The interpretation of word "may" herein means a strict adherence of subsequent expression of a "satisfaction", i.e. the satisfaction which has to be based on material placed before him, there has to be an order in writing based on material and more importantly stating the logical and satisfactory reasons to permit a hunting of a man-eater or a wild animal which has been thus identified as a man-eater by the self-contained mechanism of the department identification of a wild animal as a man-eater is a condition precedent, and until and unless the said determination is made, a Chief Wildlife Warden, he cannot, by a cursory order without giving any reasons merely basing on departmental communication should not issue any directions to hunt a wild animal, merely because of public or political agitation. Based on the provisions contained under Section 11 of the Act, the policy named as*

			<i>"Standard Operating Procedure to Deal with Emergency Arising Due to Straying of Tigers in Human Dominated Landscapes" has already been trapped which requires its strict adherence before issuance of any direction to hunt a wildlife, until and unless it has been identified as to be a man-eater by various measures provided under the Act."</i>
8.	In Re : T.N. Godavarman Thirumulpad vs Union Of India And Ors. <b>2024 SCCOnLine SC 243</b>	The necessity of making the CEC a permanent statutory body under the Environment (Protection) Act, 1986.	The Hon'ble Supreme Court emphasised the necessity of making the CEC a permanent statutory body under the Environment (Protection) Act, 1986, to ensure better oversight and enforcement of environmental laws.
9.	Yakub Ali vs State of Uttarakhand <b>2024 SCC OnLine Utt 69</b>	Illegal activities on forest land, including clearing bushes, uprooting trees, and plowing	The case involves a dispute over land in the Khanpur Range, Haridwar, where Mr. Qamaruzmma was accused of illegal activities on forest land, including clearing bushes, uprooting trees, and plowing. A survey was conducted in 2009 to determine the boundary between Mr. Qamaruzmma's property and the forest. Despite his claim that the activities occurred on his land, the Forest Department charged him under the Forest Act. Subsequently, the applicant, a Forester, was suspended for allegedly being complicit in the illegal activities. A series of investigations and legal

			<p>proceedings followed, including FIRs, a PIL, and multiple surveys, all failing to conclusively determine the land's ownership. Ultimately, the applicant filed a C482 petition seeking to quash the proceedings. However, the Hon'ble High Court dismissed the petition, ruling that credible evidence was collected, and directed the trial to be expedited, as the case had been pending since 2010.</p>
10.	<p>State of Kerala &amp; Anr vs P.V. Mathew (Dead) By Lrs  (2012) 4 SCC 457</p>	<p>Power of confiscation under section 52 of IF Act, 1927</p>	<p>The Hon'ble Supreme Court observed that- <i>"We have already extracted Section 52 of the Act which deals with seizure of property liable to confiscation. The said Section clearly contemplates that the power of confiscation is confined to only those vehicles used in committing any forest offence in respect of any timber or other forest produce.</i></p> <p><i>We have already quoted the entire Section 61A. In the instant case, neither any property was seized from the car nor had any seizure taken effect as provided under sub-section (1) of Section 52. Inasmuch as seizure under Section 52 of the Act has not taken place and no forest offence in respect of a "forest produce" is shown to have been committed or established in the case, there is</i></p>

			<i>absolutely no justification for the seizure and the order of confiscation of the aforesaid car is beyond the jurisdiction of the authorized officer. ”</i>
11.	Centre for Environmental Law, World Wide Fund-India Vs Union of India (2013) 8 SCC 234	Policy decision regarding protection and conservation of endangered species	<p>This case revolves around environmental protection and the role of the government in safeguarding ecological balance. MoEF, in our view, has not conducted any detailed study before passing the order of introducing foreign cheetah to Kuno. Kuno is not a historical habitat for African cheetahs, no materials have been placed before us to establish that fact. A detailed scientific study has to be done before introducing a foreign species to India, which has not been done in the instant case. NBWL, which is Statutory Board established for the purpose under the Wildlife Protection Act was also not consulted.</p> <p>It has been held by the Hon’ble Supreme Court that-</p> <p><b>“69. MoEF, in our view, has not conducted any detailed study before passing the order of introducing foreign cheetah to Kuno. Kuno is not a historical habitat for African cheetahs, no materials have been placed before us to establish that fact. A detailed scientific study has to be done before introducing a foreign species to India, which has not been done in the instant case. NBWL, which is Statutory Board established for the</b></p>

			<p><i>purpose under the Wildlife Protection Act was also not consulted.</i></p> <p><i>70. We may indicate that our top priority is to protect Asiatic lions, an endangered species and to provide a second home. Various steps have been taken for the last few decades, but nothing transpired so far. Crores of rupees have been spent by the Government of India and the State of Madhya Pradesh for re-introduction of Asiatic lion to Kuno. At this stage, in our view, the decision taken by MoEF for introduction of African cheetahs first to Kuno and then Asiatic lion, is arbitrary an illegal and clear violation of the statutory requirements provided under the Wildlife Protection Act. The order of MoEF to introduce African Cheetahs into Kuno cannot stand in the eye of Law and the same is quashed.”</i></p>
12.	<p>Wild Life Warden vs Komarrikkal Elias</p> <p><b>(2018) 8 SCC 114</b></p>	<p>Elephant tusk is the property of the Government.</p>	<p>In this case, it was alleged that the respondent had collected and stored elephant tusks and unlicensed gun including other accessories. Thereafter, a car belonging to the respondent was seized by the Assistant Wild Life Warden. A case was registered and a criminal proceeding was initiated against the respondent under the Kerala Forest Act, 1961. This was challenged before the district judge who came to</p>

hold that the elephant tusk was not a forest produce. This was challenged before the high court, and the court agreed with the decision of the district court. The matter thereafter was placed before the Hon'ble Supreme Court. The Hon'ble apex court observed that on the reading of the provision of the Act, 1972, elephant tusk is the property of the government. The Hon'ble Supreme Court further declared that whether ivory is a forest produce or not under any other state law is immaterial.

It was held that-

***“In this context, we may usefully refer to Section 39(1) of the 1972 Act. Clause (c) of the said provision was inserted by Act 44 of 1991 with effect from 2.10.1991. From a reading of the said provision, it is quite clear that an ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be deemed to be the property of the State Government, and where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat derived from such animal shall be the property of the Central Government.*”**



			<p><i>In view of the aforesaid, there cannot be an iota of doubt that elephant tusk is a property of the Government and there is a declaration to that effect under Section 39(1) of the 1972 Act. In view of the aforesaid, the conclusion arrived at by the High Court that the presumption does not arise under Section 69 of the 1961 Act, is incorrect. Whether it is a forest produce or not under Section 2(f) of the 1961 Act, is immaterial.”</i></p>
<p>13.</p>	<p>M/s. Natesan Agencies (plantations) vs. State Rep. By the secretary to govt. Environment &amp; Forest Department (2020) 4 SCC 160</p>	<p>Implementation of environmental laws and compliance with the Forest (Conservation) Act, 1980</p>	<p>This dealt with issues concerning the implementation of environmental laws and compliance with the Forest (Conservation) Act, 1980. The Court evaluated the petitioner’s claims in light of environmental protection mandates, emphasizing the need for strict adherence to legal requirements to prevent ecological harm. The Hon’ble Supreme Court while dismissing the review petition filed by the petitioner has held that-  <i>“4. Having examined the matter in its totality, this Court found that after issuance of the notification dated 06.03.1976 and inclusion of the subject land therein, there was no occasion for the appellant acquiring any further right in the land after expiry of the term of lease on 30.06.1977 and hence, the alleged second lease for a period of 25 years was of no effect; and</i></p>

			<p><i>the appellant had no right to claim damages from the State. It was also found that there was nothing on record to suggest that appellant was prevented by the State from going inside the forest and collecting usufructs and hence, there was no basis for the appellant to maintain an action for damages.”</i></p>
14.	<p>Titty Alias George Kurian vs The Deputy Range Forest Officer (2021)1 SCC 812</p>	<p>An offence under Section 9 of WLP Act, 1972. Capture or possession of Wildlife species listed in schedule I to IV</p>	<p>This case involved the capture or possession of Wildlife species listed in Schedule I to IV. Hon’ble Supreme Court held that-</p> <p><i>“12. Section 9 of the Act, 1972 prohibits hunting of any wild animal under Schedule I, II, III and IV except as provided under Sections 11 and 12. Sections 11 and 12 are the provisions where hunting is permitted by the permission of Chief Wild Life Warden. In case a person hunts any of the wild animals which are included in Schedule I to IV, it becomes an offence inviting the penalty under Section 51 of the Act, 1972.</i></p> <p><i>13. A perusal of the letter given by the Veterinary Surgeon as extracted above indicates that Veterinary Surgeon has identified the Turtle as ‘Indian Flap Shell (Lissemy’s Punctata)’ whereas the Turtle which is included in Part II of Schedule I of the Act, 1972 is</i></p>

			<p><b>“Indian Soft-shelled Turtle (Lissemys punctata punctata).” Lissemys punctata is a species of which Lissemys punctata is infraspecies. Although Lissemys punctata is included in Part II of Schedule I of the Act, however, <i>the Turtle which has been seized is not that which is included in Part II of Schedule I. In the facts of the present case, on the face of it, the Turtle seized is not included in Schedule I Part II and the Turtle having already been freed on the second day of its seizure, the High Court did not commit any error in quashing the criminal proceedings registered for Wild Life offences.</i>”</b></p>
15.	<p><i>M.K. Ranjitsinh Vs. Union of India (2021) 15 SCC 1</i></p>	<p>PIL for saving endangered species of birds Viz. Great Indian Bustard and Lesser Florican</p>	<p>This case addressed the critical issue of conserving the Great Indian Bustard (GIB) and Lesser Florican, species nearing extinction due to habitat threats, particularly from overhead power lines. The Hon’ble Supreme Court emphasized balancing environmental conservation with sustainable development, requiring feasibility studies for mitigation measures. It also highlighted funding through corporate social responsibility (CSR) and existing environmental programs. It has been held that-  <b><i>“10. In addition to the death of the birds due to collision and electrocution, the conservation strategy also requires protecting</i></b></p>

*the eggs of the said species of birds and the same being transferred to breeding centres for the purpose of hatching. In that regard, for conservation, the habitat restoration and for making it predator proof, appropriate fencing is to be provided to the breeding grounds. In that regard, pictorial representation of the priority and potential area is indicated in Annexure A7 (page 74) of I.A. No.85618/2020 which is also depicted here below.*

*11. In the above background, there cannot be disagreement whatsoever that appropriate steps are required to be taken to protect the said species of birds. In that view, insofar as the existing overhead powerlines are concerned the respondents shall take steps forthwith to install divertors and in respect of existing overhead powerlines all future cases of installing the transmission lines a study shall be conducted with regard to the feasibility for the lines to be laid underground. In all such cases where it is feasible, steps shall be taken to lay the transmission line underground. For the lines to be laid in future if as per the technical report the overhead line alone is feasible and the same is ratified by the Committee, in such event the installation of the divertors shall also be a condition attached in*

			<p><i>the contract to be entered with generating companies. Insofar as, the cost incurred in the said process, the concerned respondents No. 5 to 8 and 9 to 11 shall work out and provide for the same and the respondents No.1 to 4 aid in this regard. It would be open to them to muster the resources in accordance with law. In cases where the power generators are required to bear the additional amount adding to the cost of production, it would be open to regulate the manner in which the cost would be mitigated in accordance with contractual terms. Irrespective of the cost factor the priority shall be to save the near extinct birds.”</i></p>
16.	<p>Binay Kumar Dalei Vs State of Odisha (2022) 5 SCC 33</p>	<p>Environmental Law , Mining and industry in forest area Elephant Corridor</p>	<p>This is a landmark decision, marking the formal declaration of a traditional elephant corridor as a conservation reserve under the Wildlife (Protection) Act, 1972. The Hon’ble Supreme Court observed that -</p> <p><b>“21. The dispute can be resolved by giving a direction to the State Government to implement the Comprehensive Wildlife Management Plan and complete the process of declaration of the traditional elephant corridor as conservation reserve as provided in Section 36A of the Act.</b></p> <p><b>22. Therefore, the State of Odisha is directed to implement the Comprehensive Wildlife Management Plan as suggested</b></p>

			<p><i>by the Standing Committee of NBWL before permitting any mining activity in the eco-sensitive zone. The State is also directed to complete the process of declaration of the traditional elephant corridor as conservation reserve as per Section 36A of the Act expeditiously. The mining operations of 97 quarries shall be permitted only thereafter.”</i></p>
17.	<p>Abdul Vahab Vs State of Madhya Pradesh (2022) 13 SCC 310</p>	<p>Confiscation Proceedings</p>	<p>The Hon’ble Supreme Court observed that the acquittal of an accused in a criminal case under Madhya Pradesh Prohibition of Cow Slaughter Act, 2004, is a factor to be considered while deciding confiscation proceedings under the Act.</p> <p>In a case where the offender/accused are acquitted in the Criminal Prosecution, the judgment given in the Criminal Trial should be factored in by the District Magistrate. The Hon’ble Supreme Court has succinctly laid down that while criminal and confiscation proceedings are separate, they must run simultaneously and an acquittal in criminal proceedings must be considered as a factor when considering confiscation. Especially when confiscation proceedings are initiated on the basis of criminal proceedings, an acquittal would ordinarily entail confiscation proceedings to lapse as well.</p>

			<p>The Hon’ble Supreme Court has held that-</p> <p><i>"By reason of an order of confiscation, a person is deprived of the enjoyment of his property. Article 300A of the Constitution provides that no person shall be deprived of his property save by authority of law. Therefore, to deprive any person of their property, it is necessary for the State, inter-alia, to establish that the property was illegally obtained or is part of the proceeds of crime or the deprivation is warranted for public purpose or public interest.</i></p> <p><i>....It was accordingly observed that “commission of an offence” is one of the requisite ingredients for passing an order of confiscation and an order of confiscation should not be passed automatically. "</i></p>
18.	<p>State of Uttar Pradesh &amp; Ors. Vs. Anand Engineering College &amp; Anr. <b>2022 LiveLaw (SC) 626</b></p>	<p>Section 33 Wild Life (Protection) Act, 1972</p> <p>Preservation of biodiversity and wildlife habitats.</p>	<p>The Hon’ble Supreme Court directed strict adherence to the statutory framework governing forest and wildlife conservation, reinforcing the state's duty under Article 48A of the Constitution to protect the environment.</p> <p>The Hon’ble Supreme Court observed that -</p> <p><b>“Chief Wild Life Warden/appropriate authority may even pass an order of closure of the institution, if the institution continues to discharge the effluent in the</b></p>

			<p>sanctuary which may affect and/or damage the environment as well as wild life in the sanctuary, after following the principles of natural justice and in accordance with law.</p> <p>The authority cannot impose damages and for that the authority has to initiate appropriate proceedings before the appropriate court/forum to determine/ascertain the damages.”</p>
<p><b>19.</b></p>	<p>M. Narasimhan Vs. State Rep. by, The Forest Ranger, Forest Ranger Office, Gummidipoondi Range <b>Crl.R.C.No.81 of 2023 &amp; Crl.M.P.No.199 81 of 2022</b></p>	<p>Compounding of offence and it's effect</p>	<p>The petitioner filed a revision challenging the dismissal of his petition by the Judicial Magistrate No. II, Ponneri, seeking the return of a licensed gun (SBBL No. 73292) and bullets seized in connection with a case under the Wild Life Protection Act. The petitioner argued that the trial court's decision contradicted the Supreme Court's precedent in Principal Conservator of Forest v. J.K. Johnson. The case was compounded upon payment of a ₹25,000 fine, and the petitioner sought the return of his property under Section 68 of the Forest Act, 1927. The Hon'ble High Court observed that once an offence is compounded, the accused is discharged, and seized property should be released. It set aside the trial court's order, directing the Forest Ranger to return the petitioner's gun and</p>



			<p>bullets promptly. The court emphasized compliance with Section 68, which mandates the release of seized property upon payment of the compoundable amount.</p> <p>It has been observed that-</p> <p><b><i>“8. Therefore, in view of the above said provision, on payment of compoundable amount, the accused person should be discharged and the property seized in connection with the commission of offence shall be released and no further action is required.”</i></b></p>
20.	<p><i>Mohammed Ismail</i> Vs. <i>State of Kerala</i> <b>2004</b> <b>SCCOnline</b> <b>ker. 495</b></p>	<p>Jurisdiction of Judicial Magistrate to give interim custody of vehicle seized under the provisions of the WLP Act, 1972.</p>	<p>The point was decided in this Writ Petition is whether the Judicial Magistrate, before whom a vehicle seized under the provisions of the Wild Life (Protection) Act, 1972, is produced, is competent to give interim custody of the same to the registered owner.</p> <p>Hon’ble High Court observed that -</p> <p><b><i>“Apparently, Sub-section (2) of Section 50 was deleted in view of the introduction of Sub-section (5) to Section 51, Therefore, the contention of the learned Special Government Pleader that the Magistrate has no power under Section 451 of the Cr.P.C. to deal with the vehicle produced before him, cannot be accepted. The decision of the Madhya Pradesh</i></b></p>

			<p><i>High Court does not lay down the correct legal position.</i></p> <p><i>In view of the above, the 2nd respondent is directed to produce the vehicle before the competent Magistrate, if so far, the same has not been produced. Thereafter, the petitioner may move the learned Magistrate by filing a petition under Section 451. In that event, the learned Magistrate will consider and dispose of the same expeditiously.”</i></p>
<p><b>21.</b></p>	<p><i>Moti Lal Vs Central Bureau Of Investigation &amp; Anr (2002) 4 SCC 713</i></p>	<p>Sections 9, 39, 44, 49, 51, 57 and 58 – Indian Penal Code, 1860 – Sections 429, 379 and 411- Code of Criminal Procedure, 1973 – Sections 4 and 5 – Delhi Special Police Establishment Act – Sections 3, 5, and 6 – Wild life offences – Prevention, detection and cognizance of – Scope of section 50 of the 1972 Act</p>	<p>This addressed the issue regarding - Whether CBI has jurisdiction to investigate offences and file criminal complaint for offences under the Wild Life Protection Act. The Hon’ble Supreme Court held that-</p> <p><i>“As provided under sub-section (1) of Section 50, 'police officers' are not excluded for the purpose of investigation including inspection, search and seizure of the offending articles. No doubt, special powers are conferred to other officers but that is in consonance with sub-section (2) of Section 4 of Code of Criminal Procedure.”</i></p> <p>Further it was held that-</p> <p><i>“The scheme of Section 50 of the Wild Life Act makes it abundantly clear that Police Officer is also empowered to</i></p>

			<i>investigate the offences and search and seize the offending articles.”</i>
22.	State of Bihar vs. Murad Ali khan and Ors. <b>(1988) 4 SCC 655</b>	Cognizance of Wildlife offence	Cognizance of and offence under the Act can be taken by a Court only on the complaint of the officer mentioned in Sec. 55 of the Wildlife Act, 1972.
23.	Indian Handicrafts Emporium and Ors. Vs. UOI <b>(2003) 7 SCC 589</b>	Sections 39, 49-C of Wildlife Protection Act, 1972	Total prohibition on trade in ivory under the WPA held to be reasonable. Trade that are dangerous to the ecology may be regulated or totally prohibited and therefore regulation includes prohibition. In absence of such criminal trial and offence having been found committed, Section 39 may not have any application. In that view of the matter it is evident that the properties do not stand vested in the Government in terms there for.
24.	Sansar Chand vs. State of Rajasthan <b>(2010) 10 SCC 604</b>	Extra-judicial confession	Directions Issued by Hon'ble Supreme Court to Central and State Governments and their agencies to make efforts to preserve India's Wildlife and take stringent action against those violating provisions of Wildlife(Protection) Act. Extra-judicial confession In this case was corroborated by other material on record. Hence, conviction is sustained.

<p><b>25.</b></p>	<p>State of M.P. vs. Madhukar Rao (2008) 14 SCC 624</p>	<p>Magisterial power to release the vehicle during pendency of the trial</p>	<p>Any attempt to operationalise Section 39 (1) (d) of the Wildlife Act, 1972 merely on the basis of seizure and accusation/allegations levelled by the departmental authorities would bring it into conflict with the constitutional provisions and would render it unconstitutional and invalid.</p> <p>□ The provisions of Section 39(1)(d) cannot be used against exercise of the Magisterial power to release the vehicle during pendency of the trial.</p>
<p><b>26.</b></p>	<p>Principal Chief Conservator of Forest &amp; Anr. Vs. J.K. Johnson &amp; Ors. (2011) 10 SCC 794</p>	<p>Forfeiture of seized property</p>	<p>Any power of forfeiture conferred upon executive authority merely on suspicion or accusation may amount to depriving a person of his property without authority of law.</p> <p>For the seized property used for commission of offence to be the property of the state government or the central government under Section 39(1)(d), in our view, offence against the Act has to be legally ascertained and adjudicated by a competent court of jurisdiction.</p>

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