

The Punjab Forest (Sale of Timber) Act, 1913

Act No. 3 of 1913

Legislative History

1	Amended by the Adaptation of Laws Orders, 1937
2	Amended by the Adaptation of Laws Order, 1948
3	Amended by the Adaptation of Laws Order, 1950
4	Amended by the Adaptation of Laws Order, 1951

An Act to provide for the, control of the sale of timber and the establishment of sale depots for such timber in [Punjab].

Whereas it is expedient to provide for the control of the sale of timber and the establishment of sale depots for such timber in (Punjab].

It is hereby enacted as follows:-

Statement of Objections and Reasons. - For some years past thefts of river-borne timber have been on the increase, particularly on the Chenab and Jhelum rivers, and the percentage of loss has now risen so high that measures to reduce it are imperatively called for. In 1906, the loss in Government scantlings on the Jhelum had risen to 45 per cent and the losses of private traders are believed to be greater. To check the evils it is proposed to take power to make rules regulating the sale of timber within the areas where it exists. The rules provide for the establishment and registration of sale depots and may prohibit the sale of timber elsewhere than at a registered sale depot. Power is taken to impose penalties for a breach of the rule.

1. **Short title, extent and commencement.**- This Act may be called the Punjab Forest (Sale of Timber) Act, 1913.

It shall extend to such local areas as the "[State] Government may by notification in the [Official Gazette] direct ; and it shall come into force in each of such areas on such day as the °[State] Government in the like manner directs in this behalf.

2. **Meaning of terms.** - In this Act all expressions have the meaning assigned to them by the Indian Forest Act, 1878.
3. **Power to make rules regulating sale of timber and the establishment of sale de- pots.** - (I) The State Government may by notification in the '[Official Gazette] makes rules to regulate the sale of timber and the establishment of sale depots for such timber.

Such rules may among other matters-

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- I. Substituted for the words "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951
 2. Substituted for the words "Provincial" by Adaptation of Laws (Third Amendment) Order, 1951.
 3. Punjab Gazette, 1913, Part V, page 92
 4. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1951.
 5. Substituted for the words "Local Official Gazette" by the Adaptation of Laws Order, 1950.
 6. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1951.
 7. Substituted for the words "Local Official Gazette by the Adaptation of Laws Order, 1950.

- (a) prescribe the classes of timber to which the rules shall apply;
 - (b) define what shall be deemed to be a sale depot;
 - (c) provide for the establishment, registration, regulation and inspection of sale depots, and the levy of fees for registration; prescribe the period for which registration shall hold good and the condition under which timber may be brought to, stored at, sold at, and removed from sale depots; and prohibit the sale of timber at, or the establishment or maintenance of, unregistered sale depot;
 - (d) regulate the use of sale depot, marks and the registration of such marks; prescribe the time for which registration shall hold good; and provide for the levy of fees for registration;
 - (e) prescribe the registers to be maintained at sale depots, and provide for the production of such registers before, and for their examination by, any Forest or Police Officer authorized in this behalf by the Divisional Forest Officer or by the District Superintendent of Police respectively;
 - (f) prescribe as penalties for the infringement of any rule made under this section, imprisonment which may extend to six months or fine which may extend to Rs. 500 or both. Double penalties may be inflicted where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence.
- (2) All rules made under sub-section (1) shall be so made after previous publication in the '[Official Gazette].

4. Application of Chapter X of Indian Forest Act.- The provisions of Chapter X of the Indian Forest Act, 1878, with the exception of section 67, shall apply so far as may be to any infringement of the rules made under this Act as if such infringement were a forest-offence under the Indian Forest Act.

5. Indemnity for acts done in good faith. - No suit shall lie against any public servant for anything done by him in good faith under this Act.

General principles of interpretation. - When a statute is carefully punctuated and there is doubt about its meaning, weight should be given to the punctuation. But punctuation is a minor element in the construction of a statute and every little attention is paid to it by English courts.

Sub-section must be construed as an integral part of the enactment. It is not legitimate for the courts to re-write the sub-section, particularly when no repugnancy exists.

The illustration given along with a statutory provision neither curtails nor expands the meaning of the clause under which it finds place. At the same time an illustration is not exhaustive. It is not to be readily assumed that an illustration to a section is repugnant to it.

1 Substituted for the words "Provincial" by the Adaptation of Laws Order, 1951.

2 Ashwini Kumar v. Abrindra Bose, 1953 SCR 1: AIR 1952 SC 369.

3 Madanlal v. Sree Chandan Sugar Mills, AIR 1962 SC 1543.

4 Madan Lal v. Sree Chandan Sugar Mills, AIR 1962 SC 1543.

5 Jumma Masjid v. Kodimaniandra Deviah, AIR 1962 SC 847.

The presumption is in favour of the constitutionality of a legislation and one has to presume that the legislature understands and correctly appreciates the needs of its people.

Proviso and its effect. - A proviso to a section is subservient to the, main provision of the statute. Provisos are generally inserted to remove misapprehensions.

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1. Ram Parshad v. State of Bihar, 1953 SCR 1129: AIR 1953 SC 215.
 2. S. Asia v. Sarup Singh, AIR 1966 SC 346.
 - 3 Madan Lal v. Saree Chanden Sugar Mills, AIR 1962 SC 1543.