

**ASSAM FOREST PROTECTION
FORCE ACT, 1986**

ASSAM FOREST PROTECTION FORCE ACT, 1986*

(Assam Act No. XXII of 1987)

CONTENTS

Section

1. Short title, extent and commencement.
2. Definitions.
3. Constitution of the Force.
4. Appointment and powers of Supervisory Officers.
5. Appointment of the member of the Force.
6. Certificate of the member of the Force.
7. Superintendence and general administration of the Force.
8. Dismissal, removal etc. of members or the Force.

* Published in the Assam Gazette, Extraordinary No. 175, dated 22-12-1987.

9. Appeal and revision.
10. Duties of members of the Force.
11. Power to arrest without warrant
12. Power to search without warrant.
13. Procedure to be followed after arrest.
14. Power to use firearms as provided in Chapters XI and XII of Cr. P. C.
15. Officers and members of the Force to be considered always on duty and liable to be employed anywhere in the State of Assam.
16. Responsibilities of the members of the Force during suspension
17. Surrender of certificates, arms etc., by persons desiring to be members of the Force.
18. Penalties for neglect of duty etc.
19. Application of acts of officers and member of the force.
20. Protection of cast of officers and members of the Force.
21. Power to make rules.

[Received the assent of the president on 11th December, 1987]

**An Act to provided for the constitution and
regulation of a Force called the Assam Forest
Protection Force for the better protection
and security of the forests, forest
produce and wild life
of Assam.**

It is hereby enacted in the Thirty-Seventh Year of the Republic of Indian as follows.

1. Short title, extent and commencement.

- (1) This Act may be called the Assam Forest Protection Force act, 1986.
- (2) It extends to the whole of Assam
- (3) It shall come in to force at once.

2. Definitions.

In this Act, unless the contest otherwise requires –

- (a) “Governor” means the Governor of Assam;
- (b) “Government” men’s the State Government of Assam;

- (c) “Force” means the Assam Forest Protection Force constituted under S. 3;
- (d) “Forests” means reserved forests, protected forests, village forests proposed reserved forests where preliminary notification has been published in the Assam Gazette, unclassified State forests so constituted or defined under the Assam Forest Regulation of 1891, any area recorded as forests in the Government records and also arrears under various Social Forestry Plantations;
- (e) “Forest produce” includes —
 - (i) timber, charcoal, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, marbolams, rhinoceros horns and anything found in or brought from a forest;
 - (ii) trees and leaves, fruits and all other parts or produce, not hereinbefore mentioned, of trees;
 - (iii) plants not being tree (including grass creepers, reeds and moss) and all parts or produce of such plants;
 - (iv) wild animals and skins, tusks and horns, bones other than rhinoceros horn, silk cocoons, honey, wax and all other parts or produce of animals;

- (v) Peat, surface soil, rock and minerals (including limestone, lignite, mineral oils and all produce of mines or quarries);

- (f) “Forest Officer” means any person appointed by name or as holding an office by or under the orders of the Government to be a Chief Conservator, Additional Chief Conservator of Forests, Conservator, Deputy Conservator, Assistant Conservator of Forest, a Wild Life Warden, Forest Ranger, Deputy Ranger, Game Keeper, Forest Guard, Head Game Watcher, Game Watcher, Mohout, Boatman or to discharge any function of a Forest Officer under the Assam Forest Regulation of 1891, and the wild life (Protection) Act, 1972;

- (g) “Chief Conservator of Forests” means the Chief Conservator of Forests appointed under S. 4;

- (h) “Member of the Force” means a person appointed to the Force other than a supervisory officer;

- (i) “Supervisory Officer” means any of the officer appointed under S. 4 and includes any other officer appointed by the Government as a supervisory officer of the force;

- (j) “Prescribed” means prescribed by rule made under this Act;
- (k) “Wild life” includes any animals, bees, butter flies, crustacea, fish and moth, and aquatic or land vegetation which forms part of any habit.

3. Constitution of the force.

- (1) There shall be constituted and maintained by the Government a force to be called the Assam Forest Protection force for the better protection and security of forests, forest produce and wild life owned by the Government.
- (2) The Force so constituted shall consist of such number of supervisory officers and members of the force who shall receive such pay and other remunerations as any be prescribed .

4. Appointment and powers of Supervisory Officers.

The Government may appoint a person to be the Chief Conservator of Forests and ay appoint other persons to be the Additional Chief Conservator, Conservator, Commandant, Deputy Commandant, Assistant Commandant of the Force as may be required from time to time.

5. Appointment of the members of the Force.

- (a) The appointment of the member of the Force shall rest with the Chief Conservator of Forests who shall exercise that power in accordance with the rules made under this Act :

Provided that such other supervisory officer may also exercise the power of appointment under this section, not below the rank of an Additional Chief Conservator as the Government may by order specify in this behalf.

- (b) The designation and rank of the member of the force shall be regulated by rules made under this Act and at the time of initial constitution shall comprise of –
- (i) Company Commander/Inspector;
 - (ii) Platoon Commander/Inspector;
 - (iii) Havildar;
 - (iv) Constable.

6. Certificate of the members of the Force.

- (1) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule under the seal of the Chief Conservator of

Forests or such other Forest Officer as the Chief Conservator of Forests may specify in this behalf by virtue of which the person holding such certificate shall be vested with the power of member of the Force.

- (2) Such certificate shall cease to have effect whenever the person named in it ceases to be a member of the Force.

7. Superintendence and general administration of the Force.

- (1) The superintendence of the Force shall vest in the Government and subject thereto the administration of the Force shall vest in the Chief Conservator of Forests and shall be carried on by him in accordance with the provisions of this Act and rules made there under.
- (2) Subject to the provision of sub-S. (1) the administration of the Force, within such local limits as may be prescribed, shall be carried on by other supervisory officers in accordance with the provisions of the Act and/or any made thereunder and every supervisory officer placed in charge of the protection and security of forests, forest produce and wild life shall, subject to any direction that may be given by the Government in this behalf, discharge his function under the general supervisions, direction and control of the concerning Forest Officer of the territory

8. Dismissal, removal etc, of members of the Force.

Subject to the provisions of Art. 311 of the Constitution and to such rules as the Government may under this Act make any supervisory officer may –

- (i) dismiss, suspend or reduce in rank any member of the force whom he thinks remiss or negligent in the discharge of his duty or unfit for the same; or
- (ii) award any or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner or who by any act of his own renders himself unfit for the discharge thereof, namely :
 - (a) fine to any amount not exceeding seven days' pay or reduction in pay scale;
 - (b) drill, extra guarder, fatigue or other duty;
 - (c) removal from any office of distinction deprivation of any special emolument;
 - (d) other punishment/punishments as may be deemed fit and proper.

9. Appeal and revision.

- (1) Any member of the Force aggrieved by an order made under S. 8 may, within 30 (thirty) days from the date on which the order is communicated to him, prefer and appeal against the order to such authority as may be prescribed, and subject to the provisions of sub-S. (3), the decision of the said authority thereon shall be final :

Provided that the prescribed authority may entertain the appeal after the expiry of the said period of 30 days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) In disposing of an appeal, the prescribed authority shall follow such procedure as may be prescribed.
- (3) The Government may call for and examine the records of any proceeding under S. 8 or under Sub-S. (2) of this section, and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act may pass such order thereon as it thinks fit;

Provided that no order imposing an enhanced penalty under sub-S. (2) or sub-S. (3) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.

10. Duties of members of the Force.

It shall be the duty of every supervisory officer and member of the Force –

- (a) to promptly obey and execute all orders lawfully issued to him by his superior authority ;
- (b) to protect and safeguard the forests, forest produce and wild life of the State of Assam
- (c) to protect and safeguard other properties owned by the Forest Department of the State Government of Assam;
- (d) to do any other act conducive to the better protection and security of forests, forest produce and wild life referred to in Cls. (b) and (c) above.

11. Power to arrest without warrant.

- (1) Any supervisory officer or member of the force, may without any order from a Magistrate and without a warrant, arrest any person, who has been concerned in or against whom a reasonable suspicion exist of his having been concerned in or who is found taking precautions to conceal his presence under circumstances which found afford reason to believe that he has taken such precautions with a view to committing, a cognizable offence relating to –

- (i) forest, forest producer and wild life of the State of Assam;
 - (ii) property belonging to the Forest Department of the State Government of Assam.
- (2) If any person is found trespassing or squatting in any reserved forest, plantations and remised owned by the Forest Department, National Parks and Wild life Sanctuaries, he may, without prejudices any other proceedings which may be taken against him, be removed from such areas by any supervisory officer or member of the Force.

12. Power search without warrant.

- (1) Whenever any supervisory office, or any member of Force, not below the prescribed rank, has reason to believe that any such offence as is retired to in S. 11 has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of exacting or concealing evidence of the offence, he may detain an offender and search his person and belongings forthwith and if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

(2) The provisions of the Code of Criminal Procedure, 1973, relating to the searches under that code shall, so far as may be, apply to searches under this section.

13. Procedure to be followed after arrest.

Any supervisory officer or member of the Force making an arrest under this Act shall, without unnecessary delay, make over or send the person so arrested to a Magistrate having jurisdiction in the case.

14 Power to use fire arms as provided in Chapters XI and XII of Cr. P.C.

In order to prevent commission of any offence and in order to make effective search, the officers and other members of the Force will have the right to use minimum necessary force including use of fire arms as provided in Chapter XI and XII of the Code of Criminal procedure, 1973.

15. Officers and members of the Force to be considered always on duty and liable to be employed anywhere in the State of Assam.

(1) Every supervisory officer and member of the Force shall for the purpose of this Act be considered to be always on duty, and shall, at any time, be liable to be employed at any place within the State of Assam.

- (2) No supervisory officer or member of the force shall engage himself in any employment or officer other than his duties under this Act

16 Responsibilities of the members of the Force during suspension.

A member of the Force shall, not by reason of his suspension from officer, cease to be member of the force and he shall during that period be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

17 Surrender of certificates, arms etc. by persons ceasing to be members of the Force.

- (1) Every person, who for any reason, ceases to be a member of the Force, shall forthwith surrender to any supervisory officer empowered to receive the same, his certificate of appointment, the arms, accouterments, clothing and other articles which have been furnished to him for the performances of duties as a member of the Force.
- (2) Any person who willfully neglects or refuses to surrender his certificates or appointment or the arms, accouterments, clothing, and other articles furnished to him as required by sub-S (1) shall, on conviction, be punished with imprisonment for a term which may

extend to one month or with fine which may extend to two hundred rupees or both.

- (3) Nothing in this section shall be deemed to apply to any article, which under the order of the chief Conservator of Forests has become the property of the person to whom the same was furnished.

18. Penalties for neglect of duty etc.

- (1) Without prejudice to the provisions contained in S. 8, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by supervisory officer, or who shall withdraw for the duties of his office without permission, or who, being absent on leave, fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall on conversion, be punished with imprisonment for a term which may extend to six months.
- (2) Notwithstanding anything contained in the code of Criminal Procedure, 1973, offence punishable under this section shall be cognizable.

- (3) Nothing contained in this section shall be construed to prevent any member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law other or higher penalty or punishment than is provided for such offence under this section :

Provided that no person shall be punished twice for the same offence.

19. Application of Act 22 of 1922 of officers and members of the Force.

The police (Incitement to Disaffection) Act, 1922 shall apply to the supervisory officers and member to the Force as it applies to the members of the Police Force.

20. Protection of acts of officers and members of the Force.

- (1) In any suit or proceeding against any supervisory officer of member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the order of a competent authority.
- (2) Any such plea may be provided by the production of the order direction the act, and if it is so proved, the supervisory officer or the member of the Force shall thereupon be discharge for any liabilities in respect of

the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

- (3) Notwithstanding any thing contained in any law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any supervisory officer or the member of the Force of anything done or intended to be done under the over conferred by or in pursuance of any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of having been committed and not otherwise, and notice in writing of having been committed and not otherwise, and notice in writing of such proceeding and of the cause there of shall be given to the person concerned and his supervisory officer at least one month before the commencement of such proceeding.

- (4) For prosecution of any officer or member of the Force sanction as required under S. 197 of the Code of Criminal Procedure, 1973 will be necessary.

21. Power to make rules.

- (1) The Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

- (2) In particular and without prejudice to the generality of the foregoing powers, such rule may provided for –
- (a) regulation the classes, ranks, grades pay and remunerations of supervisory officers and members of the Force and their conditions of service in the Force.
 - (b) regulation the powers and duties of supervisory officer and members of the Force authorised to exercise any functions by or under this Act;
 - (c) fixing the period of service for supervisory officers and members of the Force;
 - (d) prescribing the description and quantity of arms, accouterments, clothing and other necessary articles to be furnished to the member of the Force;
 - (e) prescribing the places of residence of the Force;
 - (f) institutions, managements and regulation of any fund or any propose connoted with the administration of the Force;
 - (g) regulation the punishment and prescribing the authorities to whom appeal shall be preferred

from order of punishment and the procedure to be followed for the disposal of such appeals;

(h) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the legislative Assembly of Assam while it is in session for a total period of 30 days which may be comprised in one session or two successive session and if, before the expiry of the session in which is so laid or the session immediately following, the State Assembly agrees in making any modification in the rule or agrees that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.
