

THE RIVER RESERVES (CONTROL OF VEGETATION) ACT, 1946

Act No. 29 of 1946

11th July, 1946.

An Act to provide for the control and maintenance of vegetation along River Reserves and other reserves in the Colony in connection with the prevention of Malaria and other mosquito-borne diseases.

1. Short title.

This Act may be cited as the River Reserves (Control of Vegetation) Act, 1946

2. Definitions.

In this Act, unless the context otherwise requires-

"Conservator" means the Conservator of Forests.

"Director-" means the Director of the Medical and Health Department.

"Act" means the Prevention of Malaria Act, 1946.

"Owner" in relation to any reserve includes the occupier of such reserve.

"Reserve" means any river reserve or part of such reserve and includes any portion of land declared by the Director to be a reserve under this Act

Provided that the Director shall not declare any portion of land immediately adjoining any river reserve as a reserve under this Act.

"River Reserves" has the same meaning as it has in Act No. 13 of 1875, as subsequently amended.

"Special Area" means any area in the Colony declared to be a special area under and for the purposes of this Act.

3. Director may declare premises to be reserves.

The Director may whenever he shall think fit so to do in furtherance of the prevention of malaria and other mosquito-borne diseases or of any measures for combating the existence, propagation, persistence of malaria and other mosquito-borne diseases in the Colony, by notice served upon the owner of any portion of land situate around or along any pond, barachois or other collection of water, declare such portion of land to be a reserve for the purposes of this Act.

4. Special Areas.

The Director may, whenever he shall think fit so to do in furtherance of the prevention of malaria and other mosquito-borne diseases or of any measures for combating the existence, propagation or persistence of malaria and other mosquito-borne diseases in the Colony, declare by notice published in the Gazette any area of the Colony to be a special area.

5. Special powers of Conservator with respect to reserves situate in special areas.

(1) (1) For the purpose of this section-

"A state of deterioration" in relation to any reserve means a state in which such reserve is

(a) bare of trees ; or

(b) invaded by weeds or useless vegetation ; or

(c) planted with such trees as are incapable of affording adequate protection and shelter from the sun to the bed of any river flowing through such reserve or to the water-edge of any pond, barachois or other collection of water situate in such reserve.

"Appeal Committee" means a special committee of not less than five members to be appointed in that behalf by the Malaria Board constituted under the Act.

"Expenditure" in relation to any reserve, means expenditure likely to be incurred for the uprooting of any weed or useless vegetation from such reserve and for planting such reserve in the manner and within such time as shall be approved of and fixed in that behalf by the Conservator.

(2) Where the Conservator is satisfied with respect to any reserve situate in any special area, that such reserve is in a state of deterioration, he may, with the approval of the Director-

(a) cause a notice to be served upon the owner of such reserve-

(i) informing the owner that he will be required to carry out in relation to such reserve the uprooting of any weed or useless vegetation and the planting of trees in such manner and within such time as shall be specified in the notice;

(ii) requiring the owner to furnish an estimate of expenditure in respect of such work within such time as shall be stated in the notice.

On receipt of such notice it shall be the duty of the owner to furnish to the Conservator an estimate of expenditure in respect of such work within such time as shall be stated in the notice.

- (b) fix the amount of expenditure to be allowed after consideration of the estimate submitted by the owner and consultation with such other officers as the Governor may direct.
 - (c) notify the owner of the amount so fixed and require him to do the work in such manner and within such time as shall be stated in the notice.
- (3) Any owner of any reserve, the aggregate area of which shall be not less than five acres, feeling aggrieved by the requirements of any notice served upon him under the preceding subsection in respect of the amount assessed for the performance of any work in compliance with such requirements, may, within fifteen days after the date on which notice shall have been so served, appeal to the Appeal Committee against the amount so assessed by such notice and on any such appeal the decision of the majority of the members forming part of such Committee shall be final and conclusive and not subject to appeal to any Court.

Every notice appealed against, in every case where an appeal is allowed shall, pending such appeal, be suspended, and the time for doing the work prescribed in the notice shall start to run from the date on which the owner is informed of the decision of the Appeal Committee,

- (4) Any owner failing to comply with the requirements of a notice served upon him under this section or with the decision of the Appeal Committee with respect to any matter brought before such Committee for determination under the preceding subsection, shall be guilty of an offence under this Act and shall be liable to a fine of one hundred rupees (Rs. 100) per acre or part thereof of reserve and the Conservator shall thereupon cause to be performed on such reserve the work required to be performed by such notice.
 - (5) Any expenditure for any amount not exceeding such amount as may have been determined in that behalf under subsection (2) and (3) of this section where incurred by the owner of any reserve or the Conservator, as the case may be, for the performance of any work required to be performed in respect of such reserve by any notice served under this section shall, except such portion thereof as may be incurred for the purchase of seedlings and plants in connection with the performance of work, be borne by Government.

6. Powers of Conservator with respect to maintenance, etc. of reserves.

- (1) Where the Conservator is satisfied with respect to any reserve situate in any special area that such reserve requires maintenance and tending generally, including protection from fire and damage by animal agency, he may cause a notice to be served upon the owner of such reserve requiring such owner to carry out in relation to such reserve any work of maintenance and tending generally within such time and in such manner as shall be specified in such notice, and any expenses incurred by any

owner complying with the requirement of a notice served upon him under this section shall be defrayed by the owner.

- (2) Any owner failing to comply with any requirement of a notice served upon him under this section shall be guilty of an offence under this Act and shall be liable to a fine of not less than fifty rupees (Rs. 50) and not more than five hundred rupees (Rs. 500) and, in any case where the offence is a continuing offence, to a fine of not less than ten rupees (Rs. 10) and not more than twenty rupees (Rs. 20) per acre per month during which the offence continues.
- (3) The Conservator may, with respect to any reserve in relation to which a notice shall have been served upon the owner thereof under this section, cause to be performed any work of maintenance and tending generally required to be performed with respect to such reserve by the owner thereof by virtue of such notice in the event of the owner having failed to comply therewith, and such owner shall, in addition to a fine which may have been imposed upon him for any such failure, be liable to any expenses incurred for the performance of any such work of maintenance and tending generally by the Conservator.

7. Unlawful to plant river reserves except with trees.

It shall be unlawful to plant or cause to be planted any river reserves otherwise than with trees to be approved by the Conservator, or to cultivate any such reserves except under the shelter of such trees and in such a manner as shall be prescribed by the Conservator, with a right of appeal to the Appeal to the Committee constituted under section 5, and every person contravening this provision shall incur a penalty at the rate of five hundred rupees (Rs 500) per arpent and proportionately for any part of an arpent of land so illegally planted or cultivated.

It shall be lawful for the Conservator to cause a notice in writing to be served upon any person contravening the provisions of this article calling upon him to uproot and remove, within such time as may be fixed in such notice, all the plantations so illegally made, warning him that in default of his doing so, the work will be effected at his expense.

If he fails to comply with such notice, the work will be effected by the Forests Department, and he shall be liable to Government for any expense incurred.

It shall further be lawful for the Conservator to allow the owner to reap the crop growing on such reserves provided the owner binds himself in a fixed sum-

- (a) to plant the reserves with such trees and to replace failures within such time as shall be approved by the Conservator;
- (b) to maintain the trees so planted by uprooting all bamboos, lantanas, herbes condées, sampans and other noxious plants liable to injure the trees planted by him for a period to be fixed by the Conservator :

Provided that the Governor may authorise (subject to such conditions as he may deem advisable) the proprietors of reserves to plant or keep planted otherwise than with trees such portions of the said reserves as it may be found inexpedient to plant with trees.

8. Penalty for destroying trees in reserves.

Any person who shall uproot, cut or destroy or cause to be uprooted, cut or destroyed any seedling, plant or tree on any reserve in special areas without having received the written permission of the Conservator so to do, shall be liable to a fine of not less than twenty rupees (Rs. 20) and not more than five hundred rupees (Rs. 500), in addition to three times the value. Of each seedling, plant or tree uprooted, cut or destroyed, or to imprisonment not exceeding six months.

9. Abolition of Minimum Penalties Act, 1898, not to apply.

The Abolition of the Minimum Penalties Act, 1898, shall not apply to any offence provided for under this Act.

10. Commencement.

This Act shall come into force on a date to be fixed by Proclamation.

Related documents: none