

(1996) 02 PAT CK 0014
In the Patna High Court
Case No : C.W.J.C. No. 464 of 1994

Ram Charitra Das and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-02-1996

Acts Referred:

Bihar Saw Mills (Regulation) Act, 1990 — Section 10, 11, 12, 13, 14
Constitution of India, 1950 — Article 14, 16, 19, 20, 21
Forest Act, 1927 — Section 41, 41(2), 42, 76

Citation : (1996) 2 PLJR 69

Hon'ble Judges : I.P. Singh, J; B.L. Yadav, J

Bench : Division Bench

Advocate : Ranjana Sinha and Rajendra Prasad Singh, for the Appellant; S.C. 8 (in 464) and G.A. (in 8536), for the Respondent

Final Decision : Dismissed

Judgement

B.L. Yadav, J.—In these two analogous writ petitions (hereinafter to be referred to as first and second writ petition) under Articles 226/227 of the Constitution of India the Petitioners have sought for the relief of an appropriate writ, order or direction, declaring the Bihar Saw Mills (Regulation) Act, 1990 (for short "the Act") to be ultra vires, being violative of Articles 14, 16, 19, 20, 21, 245, 246, 300A and 301 of the Constitution of India and also for issuance of a writ, order or direction quashing the notice dated 15.12.1993 and 3.11.1993 (Annexures 4 and 5 respectively), by which the proprietors of the Saw Mills/Saw Pits have been asked to apply for their licence, failing which necessary action under the provisions of the said Act shall be taken. By the order dated 3.11.1993 (Annexure 5) the Petitioners were informed to apply for licence for running saw mills according to the Bihar Saw Mills (Regulation) Rules, 1993 and by the order dated 15.12.1993 (Annexure 4) the Petitioners were informed that penal action will be taken against them under the said Act in case they failed to comply with the direction.

2. Certain provisions of the Act may benoticed before grappling with the problem as to whether the Act was intra vires or ultra vires. A photostat copy of the bare Act has been filed as Annexure 3 to these writ petitions. The object of the Act has been indicated to make the provision for regulating, in the public interest, the establishment and operation of the Saw Mills and Saw (sic) and trade of sawing for the protection and conservation of forest and the environment and it was accordingly, enacted by the legislature of the State of Bihar in the (sic) first year of the Republic of India. Section (sic) of the said Act provides for short title. Section 2 contains definition clause. Section (sic) and 4 enact the provisions for appointment of the licensing officer and prescribed authority. Section 6 provides declaration of prohibited area. The State Government can provide by notification an area to be prohibited for such period not exceeding three years at a time. Sub-clause (2) of Section 3 of the Act posits as to what shall happen and what are the consequences once an area is declared prohibited. The consequence of Clause (a) of Section 6 is that no licence shall be granted for establishment of a Saw Mill or a Saw Pit in that area; and (b) provides that no licence shall be renewed during that period; and Clause (c) is to the effect that a Saw Mill or Saw-Pit situated in that area shall cease to operate and keep its sawing operation closed. Section 7 of the Act postulates grant, renewal, revocation or suspension of licence. Section 8 postulates power of entry, inspection, search, seizures etc. Section 10 deals with keeping of the accounts of stock of wood in Saw-Mill and Saw-Pit. Section 11 of the Act is for prohibition of electric connection etc. in unlicensed Saw-Mills.

3. Section 12 provides for appeal and it is to the effect that any person aggrieved by the order of refusal of a licensing officer to grant or renew a licence, or by the order of suspension or revocation of a licence, may within thirty days of the service on him of the order of such refusal or suspension or revocation, appeal to the prescribed authority, who shall decide the appeal after giving the Appellant and the licensing officer an opportunity of being heard. Section 13 posits the condition under which the Saw-Mill can be confiscated. Section 14 provides penalty and Section 15 enacts the offence by the Companies. Section 16 deals with the burden of proof, and Section 17 enacts the cognizance of offence; and Section 18 provides that no Court inferior to that of a Judicial Magistrate of the first class, shall try my offence publishable under this Act. Section 19 provides about the offence. Section 21 provides protection of action taken in good faith. Section 22 is about the Rewards, and Section 23 posits Rule making power of State. Section 24 posits for other Acts and laws not to apply to Saw-Mill or Saw-Pit. Section 25 contains Saving Clause; and Section 26 provides the power of removal of difficulty; and Section 27 enacts the repealing and saving clause, to the effect that the Bihar Saw Mills (Regulation) Ordinance, 1987 (Bihar Ordinance No. 3 of 1990) is hereby repealed.

4. Averments have been made in the writ petitions to the effect that the forest produce and timber are neither included in the State list (List-II) nor in the concurrent list (List-III) of the 7th Schedule to the Constitution of India and

hence the State Legislature has no competence to legislate with regard to forest producer timber and that under the provisions of the Depot Rules the owners of the Depot and Saw-Pit are required to obtain licence. The vires of Depot Rules has been challenged in several writ petitions, including C.W.J.C. No. 188 of 1983(R) and it was heard alongwith six other writ petitions by a Bench of this Court and decided vide judgment dated 5.10.1983, reported in 1984 BBCJ 8, wherein it was held that the State has no legislative competence to frame the Depot Rules. Against that judgment a SLP was filed by the State before the Apex Court and leave has been granted and interim stay has been granted on 16.4.1984 and the operation of judgment and order of this Court dated 5.10.1983 passed in C.W.J.C. No. 188 of 1983(R) has been stayed. During the pendency of the aforesaid SLP before the Apex Court the said Act of 1990 was enacted and published in the Bihar Gazette on 7.12.1990 and obtained the assent of the President in November, 1990. The objections are to be considered u/s 23 of the Act and thereafter rules are to be published by the notification.

5. The Act is primarily intended for protection and conservation of forest and the environment. The said order dated 2.9.1993 passed by the Ranchi Bench in C.W.J.C. No. 2314 of 1993(R) has been filed as Annexure 6 and 5 respectively, which was passed on the basis of the concession made of the Court by the counsel to the effect that the notification dated 22.4.1993 has been published by mistake and in this view of the matter no valid rules have been framed. The aforesaid writ petition was accordingly, disposed of by the Ranchi Bench without assigning any reason and without deciding any controversy.

6. The learned Counsel for the Petitioners urged that the Bihar Legislature has no legislative competency to enact the Bihar Saw Mills (Regulation) Act, 1990 under entry 17-A of the concurrent List-III of 7th Schedule of the Constitution. The notice issued under the Act are illegal and beyond the authority. The provisions of the Act are violative of Articles 14, 19 and 21 etc. of the Constitution. It was submitted that the provisions of the Act be declared ultra vires. In this connection reliance was placed on a Division Bench decision of this Court in Ranchi Timber Traders Association and Ors. v. State of Bihar and Ors. 1984 BBCJ 8 (D.B.). By that judgment the vires of the Bihar Rules for the Establishment of Saw-Pit and Establishment and Regulations of Depots, 1983 were challenged on the ground that the Bihar State being delegate, exceeded the mandate in the guise of exercising delegated legislative authority, if acted, in colourable exercise of power. The Division Bench allowed the petitions and held that there was no authorisation either u/s 41 or u/s 76 of the Indian Forest Act, 1927 to the State Government (sic) power of the State Government. The 1983 Rules were accordingly struck down.

7. Sri Rameshwar Prasad, the learned Advocate General, appearing for the Respondents, on the other hand, refuted the submissions made on behalf of the Petitioners and urged that the State Legislature was competent to enact the Bihar Saw-Mills (Regulation) Act, 1990 and the Rules made thereunder. Entry 17-

A of concurrent List-III of the 7th Schedule of the Constitution indicates "Forest". Consequently, the expression "Forest" is very comprehensive and the entries in all the three Schedules, particularly entry No. 17-A have to be construed not in a restricted manner, but in a liberal way. In other words the restricted meaning need not be assigned, and if that is so, the Bihar Saw-Mills (Regulation) Act, 1990 would be well within the legislative competence.

8. The instant Act was enacted under the legislative power under entry 17-A of concurrent List-III and the same was not ultra vires the Constitution. Against the said Division Bench case in Ranchi Timber Traders Association and Ors. v. State of Bihar and Ors. 1984 BBCJ 8 (supra) a Special Leave Petition has been preferred and the Special Leave to Appeal has been granted and the operation of the Division Bench decision in Ranchi Timber Traders' Association case (supra), relied upon on behalf of the Petitioners, has been stayed vide Annexure 2 to the writ petition.

9. The Indian Forest Act, 1927 is an Act enacted by the Parliament and the object is to consolidate the law relating to forest, transit of forest produce, and the duty leviable on timber and other forest produce. Section 41 of the Forest Act, 1927 contains rule making power to regulate (sic) transit of forest produce and to prohibit absolutely or subject to conditions within the specific (sic) limits the establishment (sic).

10. Section 42 of the Indian Forest Act posits penalty for breach of rules made u/s 41 of the said Act. Section 76 confers power on the State Government and the object sought to be achieved is for the preservation, reproduction and disposal of trees and timber. In this view of the matter the State Legislation was competent to enact the Act and the Rules framed thereunder. He leaned heavily on Itarsi Timber Merchants Association and Others Vs. State of Madhya Pradesh and Others, ; Jilubhai Nanbhai Khachar, etc. etc. Vs. State of Gujarat and another, etc. etc., and the The Forest Range Officer and others Vs. P. Mohammed Ali and others, .

11. Having evaluated the respective submissions of the learned Counsel for the parties, the principal questions for our determination are as to whether the State of Bihar has legislative competence to enact the Bihar Saw-Mills (Regulations) Act, 1990, and in other words whether the Act and the Rules, if any, were ultra vires and violative of Articles 14, 19, 21 etc. of the Constitution; and whether entry 17-A of Schedule-III was comprehensive enough to cover the enactment of the Act.

12. Before proceeding further it appears imperative that the provisions of Section 41 of the Forest Act may be kept in view. Chapter VII contains the provisions of Section 41 of the Forest Act. Ex Abundanti Cautela the statutory provisions of Section 41 are set out:

41. Power to make rules to regulate transit of forest produce.- (1) The control of all rivers and their banks as regards the floating of timber as well as the control

of all timber and other forest produce in transit by land or water, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest produce.

Sub-section (2)(b) of Section 41 prohibits the import or export or moving of such timber or other produce without a pass from the officer duly authorised to issue the same or otherwise than in accordance with the conditions of such pass.

13. Cardinal Rule of Interpretation of the Constitution, particularly pertaining to the entries indicated under Schedules-I, II or III of the VII Schedule have to be kept in mind. In the instant case we are concerned with entry-17-A "Forest", which was added by Section 57 of the Constitution (Forty-second Amendment) Act, 1976, which came into force on 3.1.1977. Elementary rules of interpretation are that the words should be read in their ordinary, natural and grammatical meaning but with rider while interpreting Constitutional enactment conferring legislative power, it must be interpreted not in a narrow or pedantic way. The entry must be interpreted in its widest amplitude. (See Navinchandra Mafatlal Vs. The Commissioner of Income Tax, Bombay City, Even before the Independence the Federal Court of India in U.P. v. Most. Atiga Begam and Ors. 1940 F.C.R. 110 observed that none of the items in the list is to be read in a narrow or restricted sense and each word should be held to extend to all ancillary and subsidiary matters which can fairly and reasonably be said to be comprehended in it.

14. In Anr. case the Federal Court was called upon to decide as to whether the provincial Government could legislate with respect to promissary notes. The Federal Court by majority of judgment rejected the plea that the provincial law was ultra vires. View was taken that in such matter pith and substance theory must be adopted. (See A.L.S.P.P.L. Subramanian Chettiar v. Muttuswamy Gonudan (1940 F.C.R. 188). Same view was taken by the Privy Council in P.K. Mukherji and Ors. v. Bank of Commerce Limited, Khulna (Indian Appeals L.R. Volume XXIV-23). This view was later accepted by the Supreme Court.

15. The object of the Bihar Saw Mills (Regulation) Act, 1990 has been indicated as follows:

To make provisions for regulating in the public interest the establishment and operation of saw mills and saw pits and trade of sawing for the protection and conservation of forest and the environment.

The transportation of forest produce, including trees and timbers and to protect it from illegal theft etc. In fact the owners of the Saw-Mills take undue advantage and with a view to have an effective control, and also to maintain environmental and ecological balance the Bihar Saw Mills (Regulations) Act, 1990 has been enacted.

16. The Act is substantially a beneficial legislation. While considering the constitutional validity of such Act the Court has also to take into account the social setting of the country so as to show a complete consciousness and deep

awareness of the growing requirements of the society, the increasing needs of the nation, the burning problems of the days and the complex issues facing the people which the legislature in its wisdom, through beneficial legislation, seeks to solve. The Judicial approach should be dynamic rather than static, pragmatic rather than pedantic and elastic rather than rigid. (See *Pathumma and Others Vs. State of Kerala and Others*,).

17. All the relevant cases pertaining to the interpretation of the legislative field of the State has been considered by Hon"ble Mr. Justice L.M. Sharma, J. (as his Lordship then was) in *S. Ganapathraj Surana and Others Vs. State of Tamil Nadu and Others*, .

18. I am reminded what his Lordship Oliver Wendell Holmes said in an American Supreme Court Case in *Gompers v. United States* 233 U.S. 604 (610) as follows:

But the provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil, their significance is vital, not formal, it is to be gathered not simply by taking the words and a dictionary but by considering their origin and line of their growth.

19. By now it is settled law of interpretation that the entries in the Seventh Schedule are not powers, but fields of legislation. The legislature derives its power by Article 246 and other related provisions of the Constitution. Even at the cost of repetition it may be stated that the language of the respective entries in the concurrent list or any other State list or Central list should be given widest scope of their meaning. Every general word should extend to all ancillary or subsidiary matters which can fairly and reasonably be comprehended in it.

20. One fact is also material, in my opinion, that whenever vires of an Act is challenged, the duty of the Court is to have initial presumption of its constitutionality and if there is any difficulty in ascertaining the limits of the fields of legislation, the difficulty must be resolved as far as possible in favour of the legislature putting the most liberal construction upon the legislative entry, so that it may have the widest amplitude. Burden is on the Petitioners to prove affirmatively of its invalidity. The Court has also to keep in mind that what is being interpreted is the Constitution and when the Court is called upon to interpret the Constitution, it must not be construed in any narrow or pedantic sense and adopt such construction which must be beneficial to the amplitude of the field of legislation and legislative power. The broad and liberal spirit should inspire those whose duty is to interpret the Constitution to find whether the impugned Act is relatable to any entry in the relevant list. (See *Jilubhai Nanbhai Khachar, etc. etc. Vs. State of Gujarat and another, etc. etc.*, .

21. In *India Cement Ltd. and Others Vs. State Of Tamil Nadu and Others*, it was pointed out that the entries in the three lists, of the 7th Schedule to the Constitution, are legislative heads of fields of legislation. These demarcate the area over which appropriate legislature can operate. Some of these entries in

different lists or in the same list may overlap and some times may also appear to be in direct conflict with each other. Then it is the duty of the Court to find out its true intent and purpose and to examine a particular legislation in its pith and substance to determine whether it fits in one or the other of the lists. The lists are designed to define and delimit the respective areas of respective competence of the Union and the States. They neither impose any implied restriction on the legislative power conferred by Article 246 of the Constitution, nor prescribe any duty to exercise that legislative power in any particular manner. As a matter of fact the language of the entries should be given widest scope to find out which of the meaning is fairly capable in the set up of the machinery of the Government. Each general word should be held to extent to all ancillary or subsidiary matters which can fairly and reasonably be comprehended in it. In interpreting an Entry, it would not be reasonable to impart any limitation by comparing or contrasting that Entry with any other one's in the same list.

22. Much emphasis was led by the learned Counsel for the Petitioners that the trees, its felling and sawing Saw Mills and Saw Pits etc. cannot be said to be covered with the expression "Forest" indicated under Entry 17-A of the concurrent list-III of the Seventh Schedule; whereas the said submissions were refuted by the learned Advocate General, who said that the expression "Forest" is a very comprehensive term and its comprehensive meaning has to be kept in mind.

23. In my opinion, even the expression "Forest" is not a Judicially interpreted term. Whenever an expression or word is not statutorily defined or Judicially interpreted, in that event assistance can be obtained from the dictionary but at the same time the dictionary meanings are not very accurate.

24. It is not inapt to refer what a great Dictionary maker himself said. Samuel Johnson (son of Michael Johnson, an English poet, critic essayist and a great dictionary maker, born in Lichfield on 18.9.1709 and died on 13.12.1784) said about the use of dictionary as follows:

Dictionaries are like watches, the worst is better than none and the best cannot be expected to go quite true. Every honest lexicographer agrees knowing that no matter how keenly he strives to make his book "go true", he would inevitably lose the battle with what might be called "linguistic indeterminacy". Since indeterminacy will be the prime fact of his professional life, he will often be tempted to deny and resent, like the grammarians of the 17th and 18th centuries, the radical instability of languages.

25. In *Keer v. Kennedy* 1942 (1) K.B. 409 Asquith, J. at page 413, emphasising the use of the dictionary has observed as follows:

Dictionaries are for consultation in absence of any Judicial guidance or authority.

26. In *Lee v. The Showmen's Guild of Great Britain* (1952 (2) Q.B. 329) it was observed as follows:

...It is often fallacious in considering the meaning of a phrase consisting of two words to find a meaning which each has separately and then infer that the two together cover the combination so arrived at. The two together may, as here, have, acquired a special meaning of their own.

27. In *State of Orissa and Others Vs. Titaghur Paper Mills Company Limited and Another*, the Apex Court observed as follows:

...It is now well settled that the dictionary meaning of a word cannot be looked at where that word has been statutorily defined or judicially interpreted but where there is no such definition or interpretation, the Court may take the aid of dictionaries to ascertain the meaning of a word in common parlance. In doing so, the Court must bear in mind that a word is used in different senses according to its context and a dictionary gives all the meaning of a word and the Court would, therefore, have to select the particular meaning which would be relevant to the context in which it has to interpret that word. The Orissa Act does not define the term "timber" or logs....

28. In Webster's Third New International Dictionary (Vol. 1) (page 89) the expression "Forest" is a tract of more or less wooded land formerly set apart in England primarily for the keeping and hunting of game though often including inhabited areas, usually belonging to the sovereign, and having its own distinctive laws, courts and officers-a dense growth of trees and underbrush covering a large tract of land-an extensive plant community of shrubs and trees in all stages of growth and decay with a closed canopy having the quality of self perpetuation or of development into an ecological climax.

29. In *Words and Phrases* (Permanent Edition, Vol. 17) the expression "Forest" has been indicated to connote as follows:

Forest consists of a tract of land covered with trees and one usually of considerable extent. Forest being land covered with trees, a wood usually of considerable extent, a tract of woodland with or without inclosed intervals of open and uncultivated ground.

30. In *Stroud's Judicial Dictionary* (5th Edition) the meaning of the word "Forest" has been indicated as follows:

Forest is a place privileged by royal authority or by prescription for the peaceable abiding and nourishment of the beasts or birds of the forest, for disport of the King.

31. In *Encyclopaedia Americana* (Vol. II) the meaning of the word "Forest" has been indicated at page 469 as follows:

Legal restrictions formerly applying to the royal forest of England. The area subject to these laws included not only woodland, but often pastures and villages as well....

32. In *Encyclopaedia Britannica* (Vol. 9, page 613) the expression "Forest" and

"Forestry" has been explained as under:

Towards the end of the 8th century A.D. it denoted the royal woods in which the right to hunt was reserved by the King, although the right to cut wood and to clear for agricultural use or for pasture remained free to all. A century later it referred to a large tract including woods, pastures and even whole villages in which the rights of chase were reserved to the King while other rights of use were limited. The famous forests of Old England were tracts of this kind set aside by the Norman Kings.

Specific meaning has been given by the United Nations Organisations as all lands bearing vegetative association dominated by trees of any size, exploited or not capable of producing wood or of exerting influence on the local climate or on the water region.

33. In the Chambers Twentieth Century Dictionary the word "Forest" means a large uncultivated tract of land covered with trees and underwood, woody-ground and rude pasture: a preserve for big game; a royal preserve for hunting, governed by a special Code called the forest law.

34. In Shorter Oxford English Dictionary the word "Forest" means an extensive tract of land covered with trees and undergrowth, sometimes intermingled with pasture.

35. The principal argument of the learned Counsel for the Petitioners was that the Bihar State Legislature has no competence to enact the Bihar Saw Mills (Regulations) Act, 1990. According to the learned Counsel Entry 17-A in concurrent list 3 of 7th Schedule did not cover the subject of enactment and according to the learned Counsel for the Petitioners the Parliament has to enact the subject of legislation as Forest, as given under Entry 17-A of list 3 of 7th Schedule. I am at a loss and find no reason as to why not the wood connotation of the expression "Forest" would cover the present legislation made by the State of Bihar. The meaning of the expression "Forest", as indicated above, is very comprehensive. It is an extensive tract of land covered with dense growth of trees sometime intermingled with pasture and underbush. The ordinary meaning of the expression "Forest" must be so appreciated as to have a meaning of widest amplitude and ancillary and subsidiary matters must be comprehended in it.

36. I have tried my best to recollect and translate it in action, the duty of a Judge where constitutionality of the Act or statute has been challenged. Such duties have been pointed out in a celebrated case of the United State Supreme Court, where the Hon^{ble} the Chief Justice Earl Warren in *Trop v. Dulles* 356 U.S. 86 has pointed out the duties of a Judge in such matters as follows:

We are oath bound to defend the Constitution. This delegation requires that Congressional enactments be judged by the provisions of the Constitution. The judiciary has the duty of implementing constitutional safeguards that protect

individual rights when the Government acts to take away the fundamental right of citizenship. The safeguards of the Constitution must be examined with special diligence.

The provisions of the Constitution are not time-worn adages or hollow shibboleth. They are vital living principles that authorise and limit governmental powers in one nation. They are the rules of Government. When the constitutionality of an Act of Congress is challenged in the Court, we must apply these rules. When it appears that an Act of Congress conflicts with one of these provisions, we have no choice but to enforce the paramount command of the Constitution.

37. In respect of the trees and its transportation after it has either fallen down by some natural calamity or for some human act no restricted meaning would be assigned. A law regulating the forest does include trees, its transportation and its arrangements so as to lead to conservation and protection of forest. It does include establishment of Saw-Pits and Saw-Machines. The object of the Act is to protect the environment and to maintain ecological balance. It is a beneficial legislation. In such matters the entries in list 3 of 7th Schedule including Entry 17-A "Forest" has to be interpreted in a widest possible amplitude including ancillary matters. In my humble opinion, the trees after it has fallen down or after it is cut down, how it is sawn by the Saw Mills or under the Saw Pits shall also be included within the meaning of forest. I am unable to give any restricted meaning to the Forest, it shall include timber, trees and in that connection it shall also extend with a view to regulate trade and sale to Saw-Mills or Saw-Pits. I am unable to assign restricted meaning to the expression "Forest".

38. Much emphasis was laid on the decision of the Division Bench of this Court in *Ranchi Timber Traders Association and Ors. v. State of Bihar and Ors.* (1984 BBCJ 8) (supra), but that was a case not under the present Act. There the Bihar Rules for Establishment of Saw Pits and Establishment and Regulation of Depot, 1983 was challenged on the ground that the Bihar State, being delegate u/s 41 of the Indian Forest Act, 1927, exceeded the mandate. Whereas the present Act has been enacted under the legislative field under Entry 17-A of the concurrent list. That case (1984 BBCJ 8) stands on a different fact-situation and even against that judgment of this Court a SLP has been admitted and the operation of the judgment of this Court has been stayed by the Supreme Court. That case is, accordingly, of no assistance.

39. In the instant case legislative competence of the Bihar Legislature in respect of the present Act is material. The Act has been enacted primarily under the legislative field under Entry 17-A of the concurrent list 3 of the 7th Schedule, which emanates from Article 246 of the Constitution. By the present Act the object is about the prevention of illicit felling of timber and preservation and conservation of forest. That object would be achieved only by providing incidental and ancillary matter to be covered under that entry which has to be given comprehensive meaning with a very wide sweep and not to be interpreted in a pedantic manner. The object of the Act is establishment and operation of the Saw

Mills and Saw Pits which facilitate better activities for conservation and preservation of Forest, trees and timber etc. In this view of the matter I have no manner of doubt that the present Act is covered within the legislative competence of the Bihar State Legislature, particularly its Legislative field under Entry 17-A of concurrent list 3 of 7th Schedule and also under Article 246 of the Constitution. The submissions of the learned Counsel for the Petitioners to the contrary are, therefore, rejected. The Act is not violative of Articles 14, 16, 19, 20, 21, 245, 246 and 300A of the Constitution.

40. The provisions of the Act are so comprehensive that they cover all the grievances of any person aggrieved. Sections 3 and 4 enact for appointment of the licensing officer and prescribed authority, and Section 6 provides for declaration of prohibited area. Once an area is declared prohibited no licence shall be granted for establishment of a Saw-Mill or a Saw-Pit in that area. Section 7 postulates for grant, renewal, revocation or suspension of licence. Section 12 provides for appeal by any aggrieved person against the order of refusal of licence or against the order of the licensing officer refusing to renew the licence within thirty days of the service of the order on him. Section 14 posits penalty and Section 15 enacts offence by the Companies. In this view of the matter detailed provisions have been made under the Act to safeguard the interest of any aggrieved person and it is complete Code in respect of the forest produce.

41. In *Itarsi Timber Merchants Association and Others Vs. State of Madhya Pradesh and Others*, the Hon'ble Mr. Justice J.S. Verma, J. (as his Lordship then was) has very elaborately discussed and scrutinised the submissions of the parties, where the vires of M.P. Kashtha Chiran (Viniyaman) Adhiniyam, 1984 and the Rules made therein were challenged. It was held therein that the M.P. Legislature was competent to enact that Adhiniyam of 1984 within its legislative power under Entry 17-A of 3rd concurrent list. It is relevant and applies on all fours.

42. *Jilubhai Nanbhai Khachar etc. v. State of Gujarat and Anr.* (AIR 1996 SC 142) (supra) was a case where the modes of interpretation of the entries in List-II of the third Schedule were pointed out and in that case the Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Act (8 of 1982) was for consideration, and the reasons and mode of interpretation given therein, were of much assistance.

43. Similarly the *The Forest Range Officer and others Vs. P. Mohammed Ali and others*, was a case where the question was as to whether the Sandalwood oil is wood oil within the meaning of Section 2(f)(i) of the Kerala Forest Act, 1961, and it was held that the Sandalwood oil, was wood oil within the meaning of Section 2(f)(i) of the said Act. The reasons given to interpret the forest produce etc. were of much guidance in the present controversy.

44. In view of the discussions made hereinbefore the submissions of the learned Counsel for the Petitioners have no substance. The Bihar Saw Mills (Regulations)

Act, 1990 is well within the legislative competence of the Bihar State Legislature. These writ petitions have, therefore, no merit and they are, accordingly, dismissed, but without any order as to costs.

I.P. Singh, J.

I agree.