

**The Indian Forest Act, 1927**  
**(16 of 1927)**

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*An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.*

Whereas it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:

**LEGISLATIVE HISTORY ▼**

- Indian Forest (Amendment) Act, 1930 (26 of 1930)
- Indian Forest (Amendment) Act, 1933 (3 of 1933)
- Government of India (Adaptation of Indian Laws) Order, 1937
- Repealing and Amending Act, 1947 (2 of 1948)
- Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948
- Adaptation of Laws Order, 1950
- Adaptation of Laws (No. 3) Order, 1956
- Delegated Legislation Provisions (Amendment) Act, 2004 (4 of 2005)
- Indian forest (Amendment) Ordinance, 2017 (6 of 2017)
- Indian Forest (Amendment) Act, 2017 (5 of 2018)

**FACT SHEET ▼**

- The Indian Forest Act, 1927 Act has been declared to be in force in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936).
- The Indian Forest Act, 1927 has been extended to the Union territory of-Dadra and Nagar Haveli by Regulation 6 of 1963; Pondicherry by Regulation 7 of 1963; Laccadive, Minicoy and Amindivi Islands by Regulation 8 of 1965 (These are now known as Lakshadweep)
- and Sikkim by S.O.1138(E), dated 1.12.1988 (w.e.f. 20.4.1989).

**CHAPTER I**

**Preliminary**

**1. Short title and extent .**(1) This Act may be called The Indian Forest Act, 1927.

[(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.

(3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, [Orissa], Punjab, Uttar Pradesh and West Bengal; but the Government of any State may by notification in the Official Gazette bring this Act into force in the whole or any specified part of that State to which this Act extends and where it is not in force.]

### **Object & Reasons** ▼

**Statement of Objects and Reasons.**-The general law relating to forests in British India is contained in the Indian Forest Act, 1878, and its amending Acts. The present Bill brings the law together within the scope of one enactment. The Bill is a straightforward consolidating Bill but the original Act having been passed before the General Clauses Act of 1897 (X of 1897), it has been possible to shorten the language of the Bill by taking advantage of that Act. The ambiguous language of the second paragraph of section 42 of Act VII of 1878 has been altered in clause 42(2) so as to bring it into conformity with what appears to have been the original intention of the law. The only other point which calls for further notice is the extant clause. The original Act extended to the Province of Assam, but by Regulation VII of 1891 the Indian Forest Act, 1878 was repealed as far as it relates to Assam. The Bill accordingly omits Assam from the extant clause.

### **STATE AMENDMENTS** ▼

[Gujarat] .In its application to the State of Gujarat, in Section 1,

(i) in sub-S. (2), add the following proviso, namely:

Provided that on the commencement of the Indian Forest (Gujarat Unification and Amendment) Act, 1960, this Act shall also extend to the Saurashtra area of the State of Gujarat;

(ii) to sub-S. (3), the following proviso shall be added, namely:

Provided that on the commencement of the Indian Forest (Gujarat Unification and Amendment) Act, 1960, this Act shall come into force in the Saurashtra area of the State of Gujarat. Gujarat Act 15 of 1960, Section 6 (w.e.f. 6-12-1960).

**[Himachal Pradesh]**.In its application to the State of Himachal Pradesh, in Section 1, after sub-S. (2), insert the following sub-S. (2-A), namely:

(2-A) Notwithstanding anything contained in sub-section (2), it also extends to such territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union and have since merged with Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966.H.P. Act 25 of 1968 (w.e.f. 17-2-1969).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, in Section 1,

(a) in sub-S. (1), add, at the end other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh;

(b) in sub-S. (3), add It also applies to the territories comprised in the Madhya Bharat, Vindhya Pradesh, Bhopal and Sironj regions of the State of Madhya Pradesh.M.P. Act 23 of 1958, Section 3.

**[Maharashtra]**.In its application to the State of Maharashtra, in Section 1,

(a) in sub-S. (2), after the words Part B States, add other than the Hyderabad area of the

State of Maharashtra;

(b) to sub-S. (3), add the following proviso, namely:

Provided that, on the commencement of the Indian Forest (Maharashtra Unification and Amendment) Act, 1961, this Act shall be in force in the Hyderabad area of the State of Maharashtra. Maharashtra Act 6 of 1961, Section 6 (w.e.f. 3-2-1961).

**[Punjab, Haryana and Chandigarh]**. In Section 1, after sub-S. (2), insert the following sub-S. (2-A), namely:

(2-A) Notwithstanding anything contained in sub-section (2), it also extends to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union. Punjab Act 13 of 1962, Section 2 (w.e.f. 10-7-1962).

**2. Interpretation clause.** In this Act, unless there is anything repugnant in the subject or context,

(1) cattle includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

## STATE AMENDMENTS ▼

### [Uttar Pradesh]

.In its application to the State of Uttar Pradesh, for Cl. (1), substitute (1) authorised officer means an officer authorised under sub-section (1) of section 52-A;

(1-A) cattle includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids; U.P. Act 1 of 2001, Section 2 (w.e.f. 16-4-2001).

(2) Forest Officer means any person whom [\* \* \* \*] the State Government or any officer empowered by [\* \* \* \*] the [State] Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest Officer;

## STATE AMENDMENTS ▼

**[Uttaranchal]** .In its application to the State of Uttaranchal, in Section 2, Cl. (2), insert the following clause, namely:

(2-A) authorised officer means an officer authorised under sub-section (1) of section 52-A. Uttaranchal Act 10 of 2002, Section 2.

(3) forest-offence means an offence punishable under this Act or under any rule made thereunder;

(4) forest-produce includes

(a) the following whether found in, or brought from, a forest or not, that is to say, timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds [,kuth] and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say,

(i) trees and leaves, flowers and fruits, and all other parts or produce, not hereinbefore mentioned, of trees,

- (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
- (iii) wild animals and skins, tusks, horns, bones, silk cocoons, honey, and wax, and all other parts of produce of animals, and
- (iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils and all products of mines or quarries);

#### STATE AMENDMENTS ▼

**"Gujarat]** .In its application to the State of Gujarat, in Section 2(4)(a), for the words rauwolfia serpentina, substitute rauwolfia serpentina kadaya gum.Gujarat Act 11 of 1976, Section 2 (w.e.f. 17-3-1976).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, in Section 2, Cl. (4), sub-Cl. (a),

- (i) after the word lac, insert shellac, gum, and after item (iv), add the following item:(v) standing agricultural crops.M.P. Act 9 of 1965, Section 2 (w.e.f. 20-3-1965).
- (ii) after the words mahua seeds, insert ,tendu leaves.M.P. Act 1 of 1990, Section 3.

**[Maharashtra]**.In its application to the State of Maharashtra, in Cl. (4), sub-Cl. (a),

- (i) after the word kuth, insert , apta and temburni leaves.Bombay Act 24 of 1955, Section 2 (w.e.f. 22-6-1955).
- (ii) after the words temburni leaves, insert , rosha grass, including oil derived therefrom, rauwolfia serpentina.Maharashtra Act 27 of 1968, Section 2 (w.e.f. 28-8-1968).

**[Tripura]**.In Cl. (4),

- (i) in sub-Cl. (a), for the words and myrobolams, substitute myrobolams, gum, sal seeds, sal leaves, kendu leaves, wild animals, skins, tusks, horns and bones, and all other parts of produce of wild animals;
- (ii) in sub-Cl. (b), in item (iii), the words wild animals and skins tusks, horns and bones and all other parts or produce of animals shall be omitted.Tripura Act 10 of 1984, Section 3 (w.e.f. 16-3-1985).

[(4-A) owner includes a Court of Wards in respect of property under the superintendence or charge of such Court];

#### STATE AMENDMENTS ▼

**[Bihar]** .In its application to the State of Bihar, for Cl. (4-A), substitute the following clause, namely:

(4-A) owner includes

- (1) the Court of Wards constituted under the Court of Wards Act, 1879, or the Central Provinces Court of Wards Act, 1899, in respect of any property under the superintendence or charge of either of such Courts;
- (2) a manager appointed under section 2 of the Chota Nagpur Encumbered Estates Act, 1876, in respect of any property, the management of which is vested in such manager.Bihar and Orissa Act 3 of 1934, Section 2 (w.e.f. 24-10-1934).

**[Gujarat]** .In its application to the State of Gujarat, in Section 2, after Cl. (4-A), insert the following clauses, namely:

(4-B) Police Officer means a Police Officer as defined in the Bombay Police Act, 1951;

(4-C) Revenue Officer means a Revenue Officer as defined in Maharashtra Land Revenue Code, 1966, or where that Code is not in force, as defined in a law corresponding to that Code.Gujarat Act 15 of 1960, Section 6 (w.e.f. 6-12-1960) read with Maharashtra Act 7 of 1985, Section 2.

**[Maharashtra]**.Same as that of Gujarat.See Maharashtra Act 6 of 1961, Section 4 (w.e.f. 3-2-1961), as amended by Maharashtra Act 7 of 1985, Section 2 (w.e.f. 1-6-1985).

(5) river includes any stream, canal, creek or other channels, natural or artificial;

(6) timber includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) tree includes palms, [\*\*\*] stumps, brush-wood and canes.

### STATE AMENDMENTS ▼

**[Himachal Pradesh]** .In its application to the State of Himachal Pradesh, in Section 2,

(a) in Cl. (6), the word and occurring at the end shall be omitted;

(b) in Cl. (7), for the sign ., the sign and word ;and shall be substituted; and

(c) after Cl. (7), as so amended, the following Cl. (8) shall be added, namely:

(8) Vehicle means a wheeled conveyance of any description which is capable of being used for movement on land and includes a cart, trolley vehicle and a trailer but does not include bicycle and cattle.H. P. Act 15 of 1991, Section 2 (w.e.f. 24-7-1991).

**[Tripura]**.In Section 2, after Cl. (7), insert the following Cl. (8), namely:

(8) wild animals shall have the same meaning as defined in the Wild Life (Protection) Act, 1972.Tripura Act 10 of 1984, Section 3 (w.e.f. 16-3-1985).

### Section 2-A

### STATE AMENDMENTS ▼

**[Gujarat]** .In its application to the State of Gujarat, after Section 2, insert the following new section, namely:

*2-A. Construction of certain references to Central or Bombay Acts.*In the application of this Act to any area of the State of Gujarat other than the Bombay area, any reference to a provision of a Central or Bombay Act shall, where no such Act is in force in that area, be construed as a reference to the provision of the corresponding law, if any, in force in that area.Gujarat Act 15 of 1960, Section 6 (w.e.f. 6-12-1960).

**[Maharashtra]**.Same as that of Gujarat.See Maharashtra Act 6 of 1961, Section 5 (w.e.f. 3-2-1961).

## CHAPTER II

### *Of Reserved Forests*

**3. Power to reserve forests.**The [State] Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

## STATE AMENDMENTS ▼

[Uttar Pradesh]

.In its application to the State of Uttar Pradesh, for Section 3, substitute the following section, namely:

*3. Power to reserve forest.*The State Government may constitute any forest-land or waste-land or any other land (not being land for the time being comprised in any holding [- - -] or in any village *abadi*) which is the property of Government or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserve forest in the manner hereinafter provided.

**Explanation.** The expression holding shall have the meaning assigned to it in the U.P. Tenancy Act, 1939, and the expression village *abadi* shall have the meaning assigned to it in the U.P. Village Abadi Act, 1947.U.P. Act 23 of 1965, Section 2 (w.e.f. 23-11-1965) as amended \*(the words or grove omitted) by Notification No. 7043/XVII-299-1965, dated 1-2-1966.

**4. Notification by State Government.**(1) Whenever it has been decided to constitute any land a reserved forest, the [State Government] shall issue a notification in the Official Gazette

- (a) declaring that it has been decided to constitute such land a reserved forest;
- (b) specifying, as nearly as possible, the situation and limits of such land; and
- (c) appointing an officer (hereinafter called the Forest Settlement Officer) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

**Explanation.** For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement Officer.

(3) Nothing in this section shall prevent the [State Government] from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement Officer under this Act.

## STATE AMENDMENTS ▼

**[Maharashtra]**.In its application to the State of Maharashtra, in Section 4(1), after the words the State Government, insert or subject to the general or special orders of the State Government, the Commissioner.[Maharashtra Act 8 of 1958, Section 3 read with Maharashtra Gazette, Ext., Pt. IV-B, p. 502, dated 13-6-1980.]

**5. Bar of accrual of forest rights** .After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the [Government] or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the [State Government] in this behalf.

## STATE AMENDMENTS ▼

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Section 5, substitute the following section, namely:

*5. Bar of accrual of forest rights.*After the issue of notification under section 4 no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or a contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land, nor any tree therein felled, girdled, lopped, tapped, or burnt, or its bark or leaves stripped off, or the same otherwise damaged, nor any forest-produce removed therefrom, except in accordance with such rules as may be made by the State Government in this behalf.U.P. Act 23 of 1965, Section 3 (w.e.f. 23-11-1965).

**6. Proclamation by Forest Settlement Officer.**When a notification has been issued under section 4, the Forest Settlement Officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
- (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and
- (c) fixing a period of not less than three months from the date of such pro-clamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement Officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

**7. Inquiry by Forest Settlement Officer.**The Forest Settlement Officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable

from the records of Government and the evidence of any persons likely to be acquainted with the same.

**8. Powers of Forest Settlement Officer.**For the purpose of such inquiry, the Forest Settlement Officer may exercise the following powers, that is to say:

- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and
- (b) the powers of a civil Court in the trial of suits.

**9. Extinction of rights.**Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

**10. Treatment of claims relating to practice of shifting cultivation.**(1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement Officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the [State Government], together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the [State Government] may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement Officer may arrange for its exercise

- (a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or
- (b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the [State Government].

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the [State Government].

**11. Power to acquire land over which right is claimed.**(1) In the case of a claim to a right in or over any land, other than a right-of-way or right-of-pasture, or a right to forest-produce or a water-course, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.



- (2) If such claim is admitted in whole or in part, the Forest Settlement Officer shall either
- (i) exclude such land from the limits of the proposed forest; or
  - (ii) come to an agreement with the owner thereof for the surrender of his rights; or
  - (iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).
- (3) For the purpose of so acquiring such land
- (a) the Forest Settlement Officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 1894);
  - (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
  - (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and
  - (d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

#### STATE AMENDMENTS ▼

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh, in Section 11, after sub-S. (3), add the following new sub-section, namely:

(4) The provisions of sub-section (3) shall apply also when the Forest Settlement Officer proceeds to acquire any land in consequence of any order passed on appeal or revision under this Act.U.P. Act 23 of 1965, Section 4 (w.e.f. 23-11-1965).

**12. Order on claims to rights of pasture or to forest-produce.**In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

#### STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat, Section 12 shall be re-numbered as sub-S. (1) thereof and after sub-S. (1) as so re-numbered, the following shall be inserted as sub-S. (2), namely:

(2) A copy of the order passed under sub-section (1) shall be furnished to the claimant by the Forest Settlement Officer and another copy of that order shall be forwarded to the Forest Officer who attended the inquiry or, if no such officer attended, to the Divisional Forest Officer.Gujarat Act 15 of 1960, Section 6 (w.e.f. 8-12-1960).

**[Maharashtra].**Same as that of Gujarat.See Maharashtra Act 6 of 1961, Section 6.

**13. Record to be made by Forest Settlement Officer.**The Forest Settlement Officer, when passing any order under section 12, shall record, so far as may be practicable,

- (a) the name, fathers name, caste, residence and occupation of the person claiming the right; and

- (b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

**14. Record where he admits claim.** If the Forest Settlement Officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorised to take, or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

**15. Exercise of rights admitted.** (1) After making such record the Forest Settlement Officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement Officer may

- (a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
- (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient for the purposes of the claimants; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the [State Government].

**16. Commutation of rights.** In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the State Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

**17. Appeal from order passed under section 11, section 12, section 15 or section 16.** Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the [State Government] in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15 or section 16, present an appeal

from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the [State Government] may, by notification in the Official Gazette, appoint to hear appeals from such orders: Provided that the [State Government] may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the [State Government], and, when the Forest Court has been so established, all such appeals shall be presented to it.

#### STATE AMENDMENTS ▼

**[Maharashtra]** .In its application to the State of Maharashtra, in Section 17, after the words the State Government wherever they occur, insert or subject to the general or special orders of the State Government, the Commissioner.Maharashtra Act 8 of 1958, Section 3 read with Maharashtra Gazette, Ext., Pt. IV-B, p. 1916, dated 21-10-1981.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Section 17, substitute the following section, namely:

*17. Appeal from order passed under section 11, section 12, section 15 or section 16.* Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15 or section 16, present an appeal from such order to the District Judge.

**Explanation.** In this section and the succeeding sections of this Chapter, District Judge means the District Judge of the district in which the land is situate, and includes an Additional District Judge to whom an appeal is transferred by the District Judge.U.P. Act 25 of 1965, Section 5 (w.e.f. 23-11-1965).

**18. Appeal under section 17.**(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the [State Government], be final.

#### STATE AMENDMENTS ▼

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Section 18, substitute the following section, namely:

*18. Appeal under section 17.*(1) Every appeal under section 17 shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the District Judge.

(2) The District Judge may, after giving to the parties an opportunity of being heard, confirm,

set aside or modify the order under appeal, or remand the case to the Forest Settlement Officer with such directions as he thinks fit.

(3) During the pendency of the appeal the District Judge may, for sufficient cause, stay, on such terms, if any, as he thinks fit, the operation of the order appealed from and pass any incidental or consequential order.

(4) The order passed on the appeal shall, subject to the provisions of section 22, be final.U.P. Act 23 of 1965, Section 6 (w.e.f. 23-11-1965).

**19. Pleaders.**The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement Officer, or the appellate Officer or Court, in the course of any inquiry or appeal under this Act.

## STATE AMENDMENTS ▼

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh, for Section 19, substitute the following section 19, namely:

*19. Pleaders.*The [State Government], or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement Officer or the District Judge in the course of any inquiry or appeal under this Act.U.P. Act 23 of 1965, Section 7 (w.e.f. 23-11-1965).

**20. Notification declaring forest reserved.**(1) When the following events have occurred, namely:

- (a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement Officer;
- (b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate Officer or Court; and
- (c) all lands (if any) to be included in the proposed forest, which the Forest Settlement Officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act, the [State Government] shall publish a notification in the Official Gazette, specifying definitely, according to boundary marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved, from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

## STATE AMENDMENTS ▼

**[Maharashtra].**In its application to the State of Maharashtra, in Section 20(1), after the words the State Government, insert or subject to the general or special orders of the State Government, the Commissioner.Maharashtra Act 8 of 1958, Section 3 read with Maharashtra Gazette, Ext., Pt. IV-B, p. 1916, dated 21-10-1981.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Cl. (b) of sub-S. (1) of Section 20, substitute the following clause, namely:

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed by the District Judge; and.U.P. Act 23 of 1965, Section 8 (w.e.f. 23-11-1965).

### Section 20-A

#### STATE AMENDMENTS ▼

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, after Section 20, insert the following new section, namely:

*20-A. Forest-land or waste-land deemed to be reserved forests.*(1) Notwithstanding anything contained in this Act or any other law for the time being in force, any forest-land or waste-land in the territories comprised within an Indian State, immediately before the date of its merger in any of the integrating States now forming part of this State (hereinafter in this section referred to as the merged territories),

(i) which had been recognised by the Ruler of any such State immediately before the date of merger as a reserved forest in pursuance of any law, custom, rule, regulation, order or notification for the time being in force; or

(ii) which had been dealt with as such in any administration report or in accordance with any working plan, or register maintained or acted upon immediately before the said date and has been continued to be so dealt with thereafter, shall, be deemed to be reserved forests for the purposes of this Act.

(2) In the absence of any rule, order or notification under this Act applicable to the area in question, any law, custom, rule, regulation, order or notification mentioned in sub-section (1) shall, anything in any law to the contrary notwithstanding, be deemed to be validly in force, as if the same had the force and effect of rules, orders and notifications made under the provisions of this Act and shall continue to so remain in force until superseded, altered or modified in accordance therewith.

(3) No report, working plan, or register as aforesaid or any entry therein shall be questioned in any Court of law; provided that the State Government have duly certified that such report, working plan, or register had been prepared under the authority of the said Ruler before the date of the merger and has been under the authority of the State Government continued to be recognised, maintained or acted upon thereafter.

(4) Forest recognised in the merged territories as village forests or protected forests, or forests other than reserved forests, by whatever name designated or locally known, shall be deemed to be protected forests within the meaning of this Act and provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply.

*Explanation I.*Working plan includes any plan, scheme, project, maps, drawings and layouts prepared for the purpose of carrying out the operations in course of the working and management of forests.

*Explanation II.*Ruler includes the Darbar administration prior to the date of the merger and State Government includes the successor Government after the said date.

*Explanation III.*The expression Indian State shall have the meaning assigned to that expression in clause (15) of Article 366 of the Constitution of India.

*Explanation IV.* Integrating States means the States of Madhya Pradesh, Madhya Bharat, Rajasthan, Vindhya Pradesh and Bhopal as existing before the 1st day of November, 1956. M.P. Act 9 of 1965, Section 3 (w.e.f. 20-3-1965).

**[Uttar Pradesh]**. In its application to the State of Uttar Pradesh, after Section 20, insert the following new section, namely:

*20-A. Certain forest-land or waste-land when deemed to be reserved forest.*(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, including the Merged States (Laws) Act, 1949 or the Uttar Pradesh Merged States (Application of Laws) Act, 1950, or any order issued thereunder, any forest-land or waste-land in a merged State which immediately before the date of merger (hereinafter in this section referred to as the said date),

(a) was deemed to be a reserved forest under any enactment in force in that State, or

(b) was recognised or declared by the Ruler of such State as a reserved forest under any law (including any enactment, rule, regulation, order, notification, custom or usage having the force of law) for the time being in force, or

(c) was dealt with a reserved forest in any administrative report or in accordance with any working plan or register maintained and acted upon under the authority of the Ruler, shall be deemed to be and since the said date to have continued to be a reserved forest subject to the same rights or concession, if any, in favour of any person as were in force immediately before the said date.

*Explanation I.* A certificate of the State Government or of any officer authorised in this behalf to the effect that a report, working plan or register was maintained and acted upon under the authority of the Ruler shall be conclusive evidence of the fact that it was so maintained and acted upon.

*Explanation II.* Any question as to the existence or extent of any right or concession referred to in this sub-section shall be determined by the State Government, whose decision, given after such enquiry, if any, as it thinks fit, shall be final.

*Explanation III.* Working plan includes any, plan scheme, project, map, drawings, and lay-outs prepared for the purpose of carrying out the operations in course of the working and management of forests.

(2) No right shall be deemed to have been acquired on or after the said date in or over any land mentioned in sub-section (1) except by succession or under a grant or contract in writing made or entered into by or on behalf of the State Government or some person in whom such right was vested immediately before the said date and no fresh clearings since made for cultivation or for any other purpose (except clearings made in accordance with any concessions granted by the Ruler and in force immediately before the said date or in accordance with the rules made by the State Government in this behalf since the said date) shall be recognised as or deemed to be lawful, anything contained in this Act or any other law for the time being in force notwithstanding.

(3) The State Government may within five years from the commencement of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, revise any arrangement of the nature specified in section 22, and pass any incidental or consequential order, including any direction to the effect that any of the proceedings specified in the foregoing provisions of this Chapter be taken.

(4) In relation to any land mentioned in sub-section (1), the reference in sections 24 and 26

(a) to section 23 shall be construed as references to sub-section (2); and  
(b) to rights admitted, recorded or continued under section 14 or section 15 shall be construed as references to rights of pasture or to forest-produce admitted, recorded or continued in or under the corresponding enactment, law or document referred to in sub-section (1).  
(5) Without prejudice to any action that may be or may have been taken for ejection, vacation of encroachment or recovery of damages in respect of any unauthorised occupation of or trespass over any land mentioned in sub-section (1), or for seizure, confiscation, disposal or release (on payment of value or otherwise) of any forest-produce in respect of which any forest offence has been committed in relation to such land or of any tools, boats, carts or cattle used in committing such offence, nothing in this section shall be deemed to authorise the conviction of any person for any act done before the commencement of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, which was not an offence before such commencement.U.P. Act 23 of 1965, Section 9 (w.e.f. 23-11-1965).

**21. Publication of translation of such notification in neighbourhood of forest.**The Forest Officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

**22. Power to revise arrangement made under section 15 or section 18.**The [State Government] may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

#### STATE AMENDMENTS ▼

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh, for Section 22, substitute the following section, namely:

*22. Powers to revise arrangements made under section 15 or section 18.*The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or on appeal under section 18, and may for this purpose rescind or modify and order made under section 15 or section 18, and direct that any one of the proceedings, specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.U.P. Act 23 of 1965, Section 10 (w.e.f. 23-11-1965).

#### Section 22-A

#### STATE AMENDMENTS ▼

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh, after Section 22, insert the following new section, namely:

*22-A. Power of revision in other cases .*(1) Without prejudice to the provisions of section 22, the State Government may, either of its own motion or on a petition being made in that behalf, call for the record of any appeal decided under section 18, and may confirm the order passed on such appeal, or set it aside, or modify it, or remand the case to the Forest Settlement Officer with such directions as it may think fit.

(2) No petition under this section may be made, after November 22, 1965 and the State Government may not exercise any power under this section after the said date. U.P. Act 11 of 1973, Section 2 (w.r.e.f. 23-11-1960).

**23. No right acquired over reserved forest, except as here provided.** No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the [Government] or some person in whom such right was vested when the notification under section 20 was issued.

**24. Rights not to be alienated without sanction.** (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the [State Government]: Provided that, when any such right is appended to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

**25. Power to stop ways and water-courses in reserved forests.** The Forest Officer may, with the previous sanction of the [State Government] or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the State Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest Officer in lieu thereof.

**26. Acts prohibited in such forests.** (1) Any person who

(a) makes any fresh clearing prohibited by section 5; or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the [State Government] in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest

(c) kindles, keeps or carries any fire except at such seasons as the Forest Officer may notify in this behalf;

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;

(g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(h) clears or breaks up any land for cultivation or any other purpose;



- (i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or
  - (j) in any area in which the Elephants Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made, 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, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.
- (2) Nothing in this section shall be deemed to prohibit
- (a) any act done by permission in writing of the Forest Officer, or under any rule made by the [State Government]; or
  - (b) the exercise of any right continued undue clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.
- (3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the [State Government] may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

#### **STATE AMENDMENTS ▼**

**[Bihar].**In its application to the State of Bihar, in Section 26, (1) for sub-S. (3), substitute the following sub-section, namely:

(3) Whenever in a reserved forest

(a) fire is caused wilfully or by gross negligence, or

(b) theft of forest-produce occurs and such theft is, in the opinion of the State Government, on such a scale as to be likely to imperil the future yield of such forest, the State Government may notwithstanding that any penalty has been inflicted under this section or under any other law for any act referred to in clause (a) or clause (b), direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended:

(i) in the circumstances mentioned in clause (a), for such period, as it thinks fit,

(ii) in the circumstances mentioned in clause (b), for a period not exceeding four years. Bihar and Orissa Act 9 of 1935, Section 2 (w.e.f. 23-10-1935).

(2) in sub-S. (1), 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, in addition to such compensation for damaged done to the forest as the convicting Court may direct to be paid, substitute shall be punishable with imprison-ment for a minimum term of six months which may extend to two years or with minimum fine of one thousand rupees which may extend to five thousand rupees or with both in addition to such compensation as the convicting Court may direct to be paid. The offence under this section shall be cognizable and non-bailable. Bihar Act 9 of 1990, Section 2 (w.e.f. 10-9-1990).

**[Gujarat].**In its application to the State of Gujarat, in Section 26

(i) in sub-S. (1), for Cl. (b), substitute the following clause, namely:

(b) sets fire to a reserved forest or to a forest in a land in respect of which a notification declaring the decision of the State Government to constitute it a reserved forest has been issued under section 4, or in contravention of any rules made by the State Government in this behalf, kindles in such forest any fire or leaves any fire burning, in such manner as to endanger such a forest;

(ii) after sub-S. (3), insert the following clause, namely:

(4) When a person is convicted under clause (d) or (h) of sub-section (1)

(a) a Forest Officer not below the rank of a Ranger, or

(b) a Police Officer not below the rank of a Sub-Inspector, or

(c) a Revenue Officer not below the rank of a Mahalkari, may evict him from the forest or land in relation to which he has committed the offence. Gujarat Act 15 of 1960, Section 6 (w.e.f. 8-12-1960).

**[Haryana].**In its application to the State of Haryana, in Section 26(1), for the words which may extend to six months, or with fine which may extend to five hundred rupees, substitute which may extend to one year, or with fine which may extend to one thousand rupees. Haryana Act 31 of 1973, Section 2 (w.e.f. 10-7-1973).

**[Himachal Pradesh].**In its application to the State of Himachal Pradesh, in Section 26, for the words six months and five hundred, substitute two years and five thousand. H.P. Act 15 of 1991, Section 3 (w.e.f. 24-7-1991).

**[Madhya Pradesh].**In its application to the State of Madhya Pradesh, in Section 26, sub-S. (1)

(i) for Cl. (b), substitute the following clause, namely:

Same as in Gujarat (i);

(ii) in Cl. (c), for the word dragging, substitute removing;

(iii) in Cl. (f), for the words the same, substitute the same or any forest-produce;

(iv) for Cl. (h), substitute the following clause, namely:

(h) clears or breaks up any land for cultivation or for any other purpose; or cultivates or attempts to cultivate any land in any other manner in any protected forest;;

(v) for the words extend to six months, or with fine which may extend to five hundred rupees, substitute extend to one year, or with fine which may extend to one thousand rupees. M.P. Act 9 of 1965, Section 4 (w.e.f. 20-3-1965).

**[Maharashtra].**In its application to the State of Maharashtra

(a) Same as in Gujarat (i) except for the words a forest in a land at two places where they occur, substitute a proposed forest in land;

(b) Same as Gujarat (ii) except for the word Mahalkari, substitute Mahalkari or Tehsildar. Maharashtra Act 6 of 1961, Section 7 (w.e.f. 9-2-1961).

(c) In Section 26, sub-S. (1), for the words, six months or with fine which may extend to five hundred rupees,, substitute one year or with fine which may extend to two thousand rupees. Maharashtra Act 7 of 1985, Section 3 (w.e.f. 1-6-1985).

**[Uttaranchal].**In its application to the State of Uttaranchal, in Section 26, sub-S. (1),

(i) in Cl. (b), after the words reserved forest, insert or to a forest in the land in respect of which a notification under section 4 has been issued;

- (ii) in Cl. (e), for the word dragging, substitute removing;
- (iii) in Cl. (f), after the words the same, insert or any forest produce;
- (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,, substitute 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,Uttaranchal Act 10 of 2002, Section 3.

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh, in Section 26,

(i) sub-S. (1), for Cl. (a), substitute the following clause, namely:

(a) makes any fresh clearing or does any other act prohibited by section 5, or.U.P. Act 23 of 1965, Section 11 (w.e.f. 23-11-1965).

(ii) in sub-S. (1),

(a) in Cl. (b), after the words reserved forest, insert or to a forest in the land in respect of which a notification under section 4 has been issued;

(b) in Cl. (e), for the word dragging, substitute removing;

(c) in Cl. (f), after the words the same, insert or any forest produce;

(d) 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,, substitute shall, for an act 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 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,U.P. Act 1 of 2001, Section 3 (w.e.f. 16-4-2001).

**[West Bengal].**In its application to the State of West Bengal, in Section 26,

(a) in sub-S. (1), for the words six months, or with fine which may extend to five hundred

rupees,, substitute one year, or with fine which may extend to one thousand rupees,;

(b) after sub-S. (1), insert the following sub-section, namely:

(1-A) (a) The Forest Officer may evict from a reserved forest or from any land in a reserved forest any person who, in such forest, trespasses or pastures cattle, or permits cattle to trespass, or clears or breaks up such land for cultivation or for any other purpose, and may demolish any building erected or construction made by such person on such land.

(b) Any agricultural or other crops grown, or any building erected or any construction made, by any person on any land in a reserved forest shall be liable to confiscation by an order of the Divisional Forest Officer.

(c) The provisions of this sub-section shall have effect notwithstanding any penalty inflicted under sub-section (1).W.B. Act 22 of 1988, Section 3 (w.e.f. 3-2-1989).

**27. Power to declare forest no longer reserved .**(1) The [State Government] may, [- - -] by notification in the Official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

## STATE AMENDMENTS ▼

**[Maharashtra].**In its application to the State of Maharashtra, in Section 27(1), after the words the State Government, insert or subject to the general or special orders of the State Government, the Commissioner.Maharashtra Act 8 of 1958, Section 3 read with Maharashtra Gazette, Ext., Pt. IV-B, p. 502, dated 13-6-1980.

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh, after Section 27, add the following new section, namely:

**27-A. Finality of orders, etc.**No act done, order made or certificate issued in exercise of any power conferred by or under this Chapter shall, except as hereinbefore provided, be called in question in any Court.U.P. Act 23 of 1965, Section 12 (w.e.f. 23-11-1965).

## CHAPTER III

### *Of Village-Forests*

**28. Formation of village-forests.**(1) The State Government may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

(2) The State Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

## STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat,

- (i) in sub-S. (1),
  - (a) after the words reserved forest, insert or called a protected forests;
  - (b) after the word village-community, insert village panchayat established under the Bombay Village Panchayats Act, 1933, co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925;
- (ii) in sub-S. (2), after the word community, insert panchayat or society;
- (iii) in sub-S. (3),
  - (a) after the word reserved, insert or protected; and
  - (b) after the words village forests, insert according as the forests assigned are reserved or protected forests.Gujarat Act 15 of 1960, Sections 3 and 4(2) (w.e.f. 8-12-1960).
- (iv) Same as that of Maharashtra (b).

**[Maharashtra].**(a) Same as that of Gujarat (i), (ii) and (iii)See Bombay Act 62 of 1948, Section 2 (w.e.f. 4-12-1948), Bombay Act 24 of 1955, Section 3 (w.e.f. 22-6-1955) and Maharashtra Act 6 of 1961, Section 2 (w.e.f. 9-2-1961).

- (b) In Section 28,
  - (a) for the words and figures the Bombay Village Panchayats Act, 1933,, substitute the Bombay Village Panchayats Act, 1958,;
  - (b) for the words and figures the Bombay Co-operative Societies Act, 1925, substitute the Maharashtra Co-operative Societies Act, 1960.Maharashtra Act 7 of 1985, Section 4 (w.e.f. 1-6-1985).

**[Uttar Pradesh].**In its application to the State of Uttar Pradesh,

- (i) in sub-S. (1),
  - (a) between the word Forest and the comma, insert or declared a protected forest or is a forest belonging to the Government;
  - (b) for the full stop occurring at the end, substitute a comma and add the following thereafter:

and, subject to the rules made under sub-section (2), all the provisions of this Act relating to reserved forests, protected forests or forests belonging to the Government, shall as the case may be, apply to them;

- (ii) delete sub-S. (3).U.P. Act 21 of 1960, Section 3 (w.e.f. 2-11-1960).

## CHAPTER IV

### *Of Protected Forests*

**29. Protected forests.**(1) The [State Government] may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

(2) The forest-land and waste-land comprised in any such notification shall be called a protected forest.

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, the [State Government] thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the [State Government] may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

#### **STATE AMENDMENTS ▼**

**[Maharashtra].**In its application to the State of Maharashtra, in Section 29, sub-S. (1), after the words the State Government, and in the proviso where the same words occur for the second time, insert or subject to the general or special orders of the State Government, the Commissioner. Maharashtra Act 8 of 1958, Section 3 read with Maharashtra Gazette, Ext., Pt. IV-B, p. 1916, dated 21-10-1981.

**30. Power to issue notification reserving trees, etc.**The [State Government] may, by notification in the Official Gazette,

- (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;
- (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the [State Government] thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or
- (c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

**31. Publication of translation of such notification in neighbourhood.**The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

**32. Power to make rules for protected forests.**The [State Government] may make rules to regulate the following matters, namely:

- (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;
- (c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons;
- (d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;
- (f) the examination of forest-produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879 (6 of 1879), is not in force;
- (k) the protection and management of any portion of a forest closed under section 30; and
- (l) the exercise of rights referred to in section 29.

**33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.**(1) Any person who commits any of the following offences, namely:

- (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;
- (b) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal or collects, subjects to any manufacturing process, or removes any forest-produce;
- (c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;
- (d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest;
- (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;
- (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
- (g) permits cattle to damage any such tree;
- (h) infringes any rule made under section 32;

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.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the "State Government" may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

## STATE AMENDMENTS ▼

**[Bihar]** In its application to the State of Bihar, in Section 33,

- (i) sub-S. (1), 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, substitute shall be punishable with imprisonment for a minimum term of six months which may extend to two years or with minimum fine of one hundred rupees which may extend to five thousand rupees or with both. The offence under this section shall be cognizable and non-bailable. Bihar Act 9 of 1990, Section 3 (w.e.f. 10-9-1990).

(ii) for sub-S. (2), substitute the following sub-section, namely:

(2) Whenever in a protected forest

(a) fire is caused wilfully or by gross negligence, or

(b) theft of forest-produce occurs and such theft is, in the opinion of the State Government, on such a scale as to be likely to imperil the future yield of such forest, the State Government may, notwithstanding that any penalty has been inflicted under this section



or under any other law for any act referred to in clause (a) or clause (b), direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended,

- (i) in the circumstances mentioned in clause (a), for such period as it thinks fit,
- (ii) in the circumstances mentioned in clause (b), for a period not exceeding four years. Bihar and Orissa Act 9 of 1935, Section 3 (w.e.f. 23-10-1935).

**[Gujarat].**In its application to the State of Gujarat, in Section 33, after sub-S. (2), insert the following new section, namely:

(3) When a person is convicted of an offence under sub-section (1),

- (a) a Forest Officer not below the rank of a Ranger, or
- (b) a Police Officer not below the rank of a Sub-Inspector, or
- (c) a Revenue Officer not below the rank of a Mahalkari, may evict him from the protected forest in relation to which he has committed the offence. Gujarat Act 15 of 1960, Section 6 (w.e.f. 8-12-1960).

**[Haryana].**In its application to the State of Haryana, in Section 33, sub-S. (1), for the words which may extend to six months, or with fine which may extend to five hundred rupees, substitute which may extend to one year, or with a fine which may extend to one thousand rupees. Haryana Act 31 of 1973, Section 3 (w.e.f. 10-7-1973).

**[Himachal Pradesh].**In its application to the State of Himachal Pradesh, in Section 33, for the words six months and five hundred, substitute two years and five thousand, respectively. H.P. Act 15 of 1991, Section 3 (w.e.f. 24-7-1991).

**[Madhya Pradesh].**In its application to the State of Madhya Pradesh, in Section 33, sub-S. (1),

- (i) in Cl. (a), for the words any such tree, substitute any such tree or forest-produce;
- (ii) for Cl. (c), substitute the following clause, namely:
  - (c) contrary to any prohibition under section 30, clears or breaks up any land for cultivation or for any other purpose, or cultivates or attempts to cultivate any land in any other manner in any protected forest.
- (iii) in Cl. (f), for the word drags, substitute removes; and
- (iv) for the words extends to six months or with fine which may extend to five hundred rupees, substitute extend to one year or with fine which may extend to one thousand rupees. M.P. Act 9 of 1965, Section 5 (w.e.f. 20-3-1965).

**[Maharashtra].**(i) Same as in Gujarat except that in Cl. (c) after the word Mahalkari add or Tehsildar. Maharashtra Act 6 of 1961, Section 8 (w.e.f. 3-2-1961).

- (ii) In Section 33 in sub-S. (1), for the words six months or with fine which may extend to five hundred rupees, substitute one year or with fine which may extend to two hundred rupees. Maharashtra Act 7 of 1985, Section 5 (w.e.f. 1-6-1985).

**[Uttaranchal].**In its application to the State of Uttaranchal, in Section 33, sub-S. (1),

- (i) in Cl. (c), after the words or clears, insert or, attempts to break-up or clear;

(ii) in Cl. (f), for the word drags, substitute removes;

(iii) for the words six months, or with fine which may extend to five hundred rupees, or with both, substitute 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.Uttaranchal Act 10 of 2002, Section 4.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, in Section 33, sub-S. (1),

(i) in Cl. (c), after the words or clears, insert or, attempts to break-up or clear;

(ii) in Cl. (f), for the word drags, substitute removes;

(iii) for the words six months or with fine which may extend to five hundred rupees, or with both, substitute 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.U.P. Act 1 of 2001, Section 4 (w.e.f. 16-4-2001).

**[West Bengal]**.In its application to the State of West Bengal, in Section 33,

(a) in sub-S. (1), for the words six months, or with fine which may extend to five hundred rupees, substitute one year, or with fine which may extend to one thousand rupees;

(b) after sub-S. (1), insert the following sub-section, namely:

(1-A) The Forest Officer may, notwithstanding any penalty inflicted under this section, evict from any land in any protected forest any person who, contrary to any prohibition under section 30, clears or breaks up such land for cultivation or for any other purposes.W.B. Act 22 of 1988, Section 4 (w.e.f. 3-2-1989).

**34. Nothing in this Chapter to prohibit acts done in certain cases.**Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest Officer, or in accordance with rules made under section 32, or except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

## STATE AMENDMENTS ▼

**[Gujarat]**.Section 34-A, as inserted by Gujarat Act 15 of 1960, has been repealed in the State of Gujarat by Gujarat Act 14 of 1973, Section 23 (w.e.f. 1-8-1973).

**[Madhya Pradesh]** .In its application to the State of Madhya Pradesh, after Section 34, insert the following new section, namely:

*34-A. Power to declare forests no longer protected.*(1) The State Government may, by notification, direct that from a date fixed in that behalf by such notification, any forest or portion thereof protected under this Act, shall cease to be a protected forest.

(2) From the date so fixed, such forest or portion thereof shall cease to be protected but the rights, if any, which have been extinguished therein shall not revive in consequence of its cessation.M.P. Act 9 of 1965, Section 6 (w.e.f. 20-3-1965).

**[Maharashtra]**.Section 34-A as inserted by Bombay Act 62 of 1948 has been repealed in the State of Maharashtra by Maharashtra Act 29 of 1975, Section 24 (w.e.f. 30-8-1975).

## CHAPTER V

### *Of the Control over Forests and Lands not being the Property of Government*

**35. Protection of forests for special purposes .**(1) The [State Government], may, by notification in the Official Gazette, regulate or prohibit in any forest or waste-land

- (a) the breaking up or clearing of land for cultivation;
- (b) the pasturing of cattle; or
- (c) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:

- (i) for protection against storms, winds, rolling stones, floods and avalanches;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land-slips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;
- (iii) for the maintenance of a water-supply in springs, rivers and tanks;
- (iv) for the protection of roads, bridges, railways and other lines of communication;
- (v) for the preservation of the public health.

(2) The [State Government] may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the [State Government].

## STATE AMENDMENTS ▼

**[Delhi]**.In Section 35, sub-S. (1),

- (i) for the words any forest or waste-land, substitute any forest, waste-land or grass-land;

- (ii) for Cls. (b) and (c), substitute the following clauses, namely:
  - (b) the cutting of trees and timber;
  - (c) the disposal of any forest-produce;
  - (d) the firing or clearing of vegetation;
  - (e) the cutting, storage and conservation of grass or leaf fodder; or
  - (f) the admission, herding or pasturing of cattle; and

(iii) after Cl. (v), add the following clause, namely:

(vi) for any other purpose conducive to public welfare. Act 66 of 1948, Section 30.

**[Gujarat].**Section 35, as amended by Gujarat Act 15 of 1960, has been repealed in the State of Gujarat by Gujarat Act 14 of 1973, Section 23 (w.e.f. 1-8-1973).

**[Madhya Pradesh].**In its application to the State of Madhya Pradesh, in sub-S. (1),

(i) after Cl. (c), insert the following clause, namely:

(d) the cutting of plants and trees; and

(ii) after Cl. (iv), insert the following clause, namely:

(iv-a) for preventing destruction and for promoting conservation and development of forest. M.P. Act 26 of 1950, Section 2 (w.e.f. 3-11-1950).

**[Maharashtra].**Section 35, as amended by Bombay Acts 62 of 1948 and 24 of 1955 and Maharashtra Act 6 of 1961, has been repealed in the State of Maharashtra by Maharashtra Act 29 of 1975, Section 24 (w.e.f. 30-8-1975).

**[West Bengal].**Ss. 35 to 38 repealed by Section 63 of the Bengal Private Forests Act, 1948. Section 63 of the Bengal Private Forests Act, 1948, is as follows:

63. (1) Sections 35, 36, 37 and 38 of the Indian Forest Act, 1927, in their application to Bengal are hereby repealed.

(2) Such repeal shall not affect anything done or suffered or any obligation or liability accrued or any penalty incurred or any proceedings commenced before the commencement of this Act.

(3) Any private forest or waste-land held under the control of a Forest Officer under section 36 of the Indian Forest Act, 1927, immediately before the commencement of this Act shall, on such commencement, notwithstanding the repeal of the said section, continue to be so held under the control of a Regional Forest Officer under the provisions of this Act applicable to a vested forest and shall be deemed to be a vested forest for the purposes of this Act.

(4) All lands which immediately before the commencement of this Act were being managed as a reserved or protected forest under the provisions of section 38 of the Indian Forest Act, 1927, shall, on such commencement, notwithstanding the repeal of the said section, continue to be managed under the provisions of section 59 of this Act as a vested forest subject to such terms as may have been mutually agreed upon between the owner or owners of such lands and the Collector, and the application made under sub-section (1) of the said section 38 by the owner or owners of any such land shall be deemed to be an application made under the said section 59.

## Section 35-A

**[Punjab, Haryana and Chandigarh].**After Section 35, insert the following section, namely: 35-A. *Power to regulate preservation, etc., of trees in private lands.*The State Government may, by rules made under section 76, regulate the preservation and disposal of trees standing on lands belonging to or in the occupation of private persons, in respect of which permission to remove is required under the record of rights prepared under any law relating to land revenue.Punjab Act 13 of 1962, Section 3 (w.e.f. 10-7-1962) and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).

**36. Power to assume management of forests.**(1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the [State Government] may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest Officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

#### **STATE AMENDMENTS ▼**

**[Gujarat].**Ss. 36 to 36-C, inserted by Gujarat Act 15 of 1960, have been repealed in the State of Gujarat by Gujarat Act 14 of 1973, Section 23 (w.e.f. 1-8-1973).

**[Madhya Pradesh].**In its application to the State of Madhya Pradesh, in Section 36, after sub-S. (2), add the following sub-Ss. (3) and (4), namely:

(3) For the purpose of calculating the net profits, the total expenditure incurred on the working and management of the forest shall be adjusted against the total income from the working and management up to the date of account.

(4) For the purpose of sub-section (3),

(a) the total income shall include the proceeds of confiscation or forfeitures for forest offences not committed by the owner in respect of the forest or the forest-produce thereof after deducting from such proceeds the rewards, if any, paid to informers and officers out of such proceeds;

(b) the total expenditure shall include

(i) an amount equal to twenty per cent. of total income in lieu of supervision charges payable to Government;

(ii) the value of any forest-produce removed or any advantage gained by the owner after the date on which such forest or land is taken under management by Government;

(iii) cost of management incurred on the pay and allowances of the Forest Department staff; and

(iv) such incidental expense as may be incurred by the Forest Officer including that incurred for the storage, transport and sale of the articles or forest-produce forfeited or confiscated.M.P. Act 26 of 1950, Section 3 (w.e.f. 3-11-1950).

**[Maharashtra].**Ss. 36 to 36-C, inserted by Bombay Act 24 of 1955, have been repealed in

the State of Maharashtra by Maharashtra Act 29 of 1975, Section 24 (w.e.f. 30-8-1975).  
[West Bengal].See under Section 35.

**37. Expropriation of forests in certain cases.**(1) In any case under this Chapter in which the [State Government] considers that, in lieu of placing the forest or land under the control of a Forest Officer, the same should be acquired for public purposes, the [State Government] may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

(2) The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the [State Government] shall acquire such forest or land accordingly.

#### STATE AMENDMENTS ▼

[Delhi].In sub-S. (2), for the words not less than three, substitute not less than seven.Act 66 of 1948, Section 30.

[Gujarat].Section 37, as amended by Gujarat Act 15 of 1960, has been repealed in the State of Gujarat by Gujarat Act 14 of 1973, Section 23 (w.e.f. 1-8-1973).

[Maharashtra].Section 37, as amended by Bombay Act 62 of 1948 and Maharashtra Act 6 of 1961, has been repealed in the State of Maharashtra by Maharashtra Act 29 of 1975, Section 24 (w.e.f. 30-8-1975).

[West Bengal].See under Section 35.

**38. Protection of forests at request of owners.**(1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire

(a) that such land be managed on their behalf by the Forest Officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the [State Government] may, by notification in the Official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

#### STATE AMENDMENTS ▼

[Delhi].In sub-S. (1), for the word two-thirds, substitute one-half.Act 66 of 1948, Section 30.

[Himachal Pradesh].Same as that of Punjab.H.P. Act 25 of 1968, Section 3 (w.e.f. 17-2-1969).

[Punjab, Haryana and Chandigarh].In Section 38, sub-S. (1), for the words the owners of shares amounting to at least two-thirds thereof, substitute the owners of the majority of shares therein.Punjab Act 13 of 1962, Section 4 (w.e.f. 10-7-1962) and Central Act 31 of 1966, Section 88, Punjab Act 13 of 1962 has been repealed by Section 7, H.P. Act 25 of 1968

in so far as it applies to the areas merged in Himachal Pradesh under Section 5 of the Punjab Reorganisation Act, 1966.

**[West Bengal]**. See under Section 35.

**[Uttar Pradesh]** Addition of Chapter V-A. In its application to the State of Uttar Pradesh, after Chapter V, add the following as new Chapter V-A, namely:

## **CHAPTER V-A**

### ***Of the Control over Forests of Claimants***

**38-A. Definition** .In this Chapter, unless there is anything repugnant in the subject or context,

- (a) Claimant as respects any land means a person claiming to be entitled to the land or any interest therein acquired, owned, settled or possessed or purported to have been acquired, owned, settled or possessed whether under, through or by any lease or licence executed prior to the commencement of the U.P. Zamindari Abolition and Land Reforms Act, 1950, or under and in accordance with any provision of any enactment, including the said Act;
- (b) forest means a tract of land covered with trees, shrubs, bushes or woody vegetation whether of natural growth or planted by human agency, and existing or being maintained with or without human effort, or such tract of land on which such growth is likely to have an effect on the supply of timber, fuel, forest-produce, or grazing facilities, or on climate, stream-flow, protection of land from erosion, or other such matters and shall include
  - (i) land covered with stumps of trees of a forest;
  - (ii) land which is part of a forest or was lying within a forest on the first day of July, 1952;
  - (iii) such pasture land, water-logged or cultivable or non-cultivable land, lying within, or adjacent to, a forest as may be declared to be a forest by the State Government.
- (c) forest-land means a land covered by forest or intended to be utilized as a forest; and
- (d) prescribed means prescribed by rules made under this Act.

**38-B. Power to regulate or prohibit breaking or clearing, etc.** (1) The State Government may by notification in the Official Gazette regulate or prohibit in any forest (situate in or upon any land of a claimant)

- (a) the breaking up or clearing of the land for cultivation or any other purpose;
- (b) the firing or clearing of the vegetation;
- (c) the girdling or tapping or burning of any tree or the stripping off of the bark from any tree;
- (d) the lopping and pollarding of trees;
- (e) the cutting, sawing, conversion or, the removal of trees where such regulation or prohibition appears necessary
  - (i) for the conservation of trees and forests; or

- (ii) for the improvement of grazing; or
- (iii) for the maintenance, increase and distribution of supply of fodder, timber or fuel;  
or
- (iv) for the protection of land against erosion; or
- (v) for subserving the interests of the general public.

(2) No notification shall be made under sub-section (1) until after the issue of a notice to the claimant of the land calling on him to show-cause within a reasonable period, not less than fourteen days and not exceeding thirty days, to be specified in such notice, why such notification should not be made, and until objections, if any, and any evidence he may produce in support of the same, have been heard by an officer not below the rank of an Assistant Collector of the first class appointed in that behalf and considered by the State Government.

(3) It shall be lawful for the State Government to make the notification under sub-section (1) either in respect of any particular forest or generally in respect of all forests situate in an area.

*38-C. Prohibition or regulation in emergent cases.* Where it is proposed to issue a notification in respect of any forest or generally all the forests in any area under section 38-B and the State Government is satisfied that immediate action is necessary to prevent the doing of all or any of the acts mentioned in clauses (a) to (e) of sub-section (1) of the said section, it may by notification in the Official Gazette prohibit the doing except as and in the manner specified, of such act in respect of that forest or, as the case may be, generally all forests situate in any area as may be specified and, thereupon, no person shall, notwithstanding any claim, right, agreement, custom, usage or law to the contrary, do any of the said acts in such forest or forests until expiry of six months from the date of the notification and until the objection, if any, filed in pursuance of the notice, under sub-section (2) of section 38-B, has been heard and considered by the State Government.

*38-D. Service of notice.* The notice under sub-section (2) of section 38-D shall

(a) in the case of a notification affecting an individual person (not being a corporation, firm or body of persons) be served on that person

- (i) personally by delivering or tending to him the notice, or
- (ii) by registered post, or

(iii) where the person cannot be found, by leaving an authentic copy of the notice with some adult male member of his family or by affixing such copy in some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

(aa) in case of a notification a corporation, firm or body of persons, be served on the manager, principal officer or agent thereof in the manner provided in clause (a); and

(b) in the case of a notification of a general nature in relation to all forests in an area, be served by publication in the Official Gazette and it shall not be necessary, unless the State Government so directs, to serve the notice individually on the claimants.

*38-E. Application of section 36 of Act 16 of 1927.* The provisions of section 36 shall *mutatis mutandis* apply to any regulation or prohibition notified under section 38-B or 38-C.



*38-F. Penalties.* Any person who

- (i) breaks up or clears any land for cultivation or any other purpose, fires or clears any vegetation, girdles, taps, burns, lops, pollards, fells, cuts, saws, converts or removes or strips off the bark from any tree, in any forest in respect of which a notification under section 38-B or 38-C or 38-H has been issued, or does any of the aforesaid acts in contravention of the provisions contained in sub-section (4) of section 38-H, or
- (ii) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading, or
- (iii) permits cattle to damage any such tree, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

*38-G. Saving.* The powers conferred by sections 38-B, 38-C, 38-D and 38-H shall be in addition to and not in derogation of any other powers conferred on any authority by or under any other provision of this Act. U.P. Act 5 of 1956, as amended by U.P. Acts 21 of 1960 and 11 of 1964.

*38-H. Power to take over management.* (1) Whenever it appears to the State Government that the taking over of the management of any particular forest, or forest-land, is necessary or expedient in the public interest, or in order to secure the proper management thereof, particularly with a view to ensure its planned development as a forest, it may, by notification in the Official Gazette do so for all or any of the said purposes for such period, not exceeding fifteen years, as may be specified in the notification.

(2) No notification under sub-section (1) shall be issued until

- (a) after the issue of a notice by the Forest Officer to the claimant or the owner or tenure-holder of the forest or forest-land, as the case may be, affording him reasonable opportunity to show cause within a period of not less than fourteen days from the date of service of the notice on him to be specified in such notice, why management of the forest or forest-land specified therein be not taken over; and
- (b) objections, if any, have been heard and disposed of by the Forest Officer in the manner prescribed.

(3) The notice referred to in sub-section (2) shall be served upon the person concerned in accordance with the provisions of section 38-D.

(4) No person shall, after the service of the notice referred to in sub-section (2), do or permit or cause to be done, save with the permission of the Forest Officer, any of the following acts on or in respect of such forest or forest land, namely:

- (a) the breaking up or clearing of the land for cultivation or any other purpose;
- (b) the firing or clearing of the vegetation;
- (c) the girdling or tapping or burning of any tree or the stripping off the bark from any tree;
- (d) the lopping or pollarding of trees;
- (e) the felling, cutting, sawing, conversion or removal of trees;

until

- (i) where objections under clause (a) of sub-section (2) have been filed, the disposal

thereof under clause (b) of that sub-section and thereafter, unless the objections have been allowed for a further period of six months or the publication on the notification under sub-section (1), whichever is earlier;

- (ii) where no objections under clause (a) of sub-section (2) have been filed the publication of notification under sub-section (1) or expiry of six months from the date of service of notice, whichever is earlier.

*38-I. Consequences of notification under section 38-H.*The State Government shall, in respect of a forest, or forest-land for which a notification under section 38-H has been issued

- (i) place the forest, or forest-land, as the case may be, with effect from the date of the notification, in the charge of a Forest Officer, for carrying out the purposes mentioned in the notification, and thereupon the provisions of section 5 shall *mutatis mutandis* apply to such a forest or forest-land, as the case may be, and
- (ii) be liable and pay to the claimant or the owner or the tenure-holder of the forest, or forest-land, as the case may be, the balance of the income, if any, accruing to it therefrom, for the period commencing from the date of notification till the date it is released under section 38-L after deducting therefrom such percentage of it, not exceeding twenty, as may be prescribed for cost of management and the amount, if any, spent by the State Government on its development.

*38-J. Payment in respect of forests already in possession of the State Government.*In the case of a forest, possession whereof was taken over by the State Government prior to the commencement of the Indian Forest (U.P. Amendment) Act, 1960, and the management whereof is taken over in accordance with the provisions of section 38-H, the State Government shall, in the absence of a contract between the State Government and the person concerned to the contrary, be liable to pay, for the period commencing from the date of possession till the issue of the notification under the said section, the balance of income accruing therefrom in accordance with the provisions of section 38-I(ii) as if the provisions of the aforesaid Act has been in force at all material dates and the management of such forest had been assumed on the date of taking over possession thereof; anything contained in any other law, custom, usage for the time being in force or contract to the contrary notwithstanding.

*38-K. Permission to cultivate areas lying within a forest or forest land taken over under this Act.*(1) The State Government may, where it is satisfied that it is necessary so to do in the public interest on the application of the person whose forest or forest-land, as the case may be, has been taken over under section 38-H, allow him to cultivate such part of it, and being in excess of one-fifth of the total area of such forest or forest-land, as the case may be, and for such period, not being beyond the period of its management, as may be specified in the order granting the permission.

(2) An application under sub-section (1) shall be submitted to the Forest Officer in charge of the forest or the forest-land, as the case may be, who shall forward the same, with his recommendations thereon, to the State Government.

(3) The decision of the State Government on the application under sub-section (2) shall be final and be not questioned in any Court of law.

*38-L. Release of a forest or forest land from management.*The State Government may, at any time, by notification in the Official Gazette, release from its management any forest or forest-

land, as the case may be, taken over under section 38-H and thereupon the forest or the forest-land, as the case may be, shall cease to be under the management of the State Government, and the liability of the State Government in respect of the forest or the forest-land, as the case may be, shall cease with effect from the date of release specified in the notification.

*38-M. Powers to make rules.*(1) The State Government may, after previous publication in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may

- (a) provide for the items for which and the manner in which, the cost of management shall be calculated;
- (b) prescribe the procedure for the hearing and disposal of objections under this Act;
- (c) prescribe the mode of management or development of the forest or the forest-land taken over under this Act;
- (d) prescribe the form of application under section 38-K and the particulars that must be given therein; and
- (e) prescribe any other matters which are to be, and may be, prescribed under this Act.

(3) All rules made under this Act, shall, as soon as may be after they are made, be laid before each House of the Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect, from the date of their publication in the Official Gazette, subject to such modification or annulments as the two Houses of the Legislature may agree to make; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.U.P. Act 31 of 1960, as amended by U.P. Act 11 of 1964.

## CHAPTER VI

### *Of the Duty on Timber and other Forest-produce*

#### **39. Power to impose duty on timber and other forest-produce.**(1)

The [Central Government] may levy a duty in such manner, at such places and at such rates as it may declare by notification in the Official Gazette on all timber or other forest-produce

- (a) which is produced in [the territories to which this Act extends], and in respect of which the [Government] has any right;
- (b) which is brought from any place outside [the territories to which this Act extends].

[- - -] (2) In every case in which such duty is directed to be levied *ad valorem*, the [Central Government] may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the [State Government], shall be deemed to be and to have been duly levied under the provisions of this Act.

[(4) Notwithstanding anything in this section, the [State Government] may, until provision to the contrary is made by [Parliament], continue to levy any duty which it was lawfully levying before the commencement of [the Constitution], under this section as then in force:

Provided that nothing in this sub-section authorizes the levy of any duty which as between timber or other forest-produce of the [State] and similar produce of the locality outside the [State] discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the [State], discriminates between timber or other forest-produce of one locality and similar timber or other forest-produce of another locality.]

**40. Limit not to apply to purchase-money or royalty.** Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

## CHAPTER VII

### *Of the Control of Timber and Other Forest-produce in Transit*

#### STATE AMENDMENTS ▼

**[West Bengal].** In its application to the State of West Bengal, in Chapter VII, for the heading, substitute the following heading, namely:

Of the Control of Trade, Possession and Transit of Timber and Other Forest-produce .W.B. Act 22 of 1988, Section 5 (w.e.f. 3-2-1989).

**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.

(2) In particular and without prejudice to the generality of the foregoing power such rules may

- (a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State;
- (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

- (c) provide for the issue, production and return of such passes and for the payment of fees therefor;
  - (d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the [Government] on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;
  - (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;
  - (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;
  - (g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;
  - (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;
  - (i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.
- (3) The [State Government] may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

## STATE AMENDMENTS ▼

**[Goa].**In Section 41

- (i) in Cl. (h), after the words saw-pits, insert saw mills and sawing contrivances;
- (ii) after Cl. (h), insert the following clause, namely:
  - (ha) Regulating by grant of licences within specified limits, the converting or cutting of timber in saw mill and sawing contrivances and prescribe fees and conditions subject to

which such licences may be granted. Goa Act 15 of 1989, Section 2 (w.e.f. 10-8-1989).

**[Gujarat].** In its application to the State of Gujarat, in Section 41,

(a) in sub-S. (2)

(i) in Cl. (c), delete the words and for the payment of fees therefor;

(ii) in Cl. (h), for the words or subject to conditions, substitute or regulate by grant of licences,; and

(iii) in Cl. (i), delete the words and provide for the levy of fees for such registration;

(b) after sub-S. (2), insert the following sub-section, namely:

(2-A) Any rules made under this section may provide for the levy of fees for the issue of passes, grant of licences and registration of property marks referred to in clauses (c), (h), and (i) of sub-section (2). Gujarat Act 48 of 1963, Section 2 (w.e.f. 21-2-1963).

**[Maharashtra].** In its application to the State of Maharashtra, in Section 41,

(a) after sub-S. (1), the following sub-section shall be inserted, and shall be deemed to have been inserted, with effect from the 12th of September 1960, namely:

(1-A) Notwithstanding anything contained in any law for the time being in force, the State Government may make rules to regulate by grant of licences, within the forest limits or such distance therefrom not exceeding eighty kilometres as may be determined, the converting or cutting of timber in a saw mill, and prescribe fees and conditions, subject to which such licence may be granted, and the manner in which, and the authority to whom, an appeal against the order of refusal, suspension or revocation of a licence may be filed.;

(b) in sub-S. (2), Cl. (hh) inserted by Maharashtra Act 15 of 1965, Section 2 shall be deleted, and shall be deemed to have been deleted, with effect from the 10th day of February, 1965. Maharashtra Act 23 of 1984, Section 2.

**[Uttar Pradesh].** In its application to the State of Uttar Pradesh, in Section 41, after sub-S. (2), add the following new sub-sections, namely:

(2-A) The State Government may by notification in the Gazette delegate, either unconditionally or subject to such conditions as may be specified in the notification, to any Forest Officer, not below the rank of Conservator, the power to prescribe fees under clause (c) of sub-section (2).

(2-B) Notwithstanding any judgment, decree or order of any Court any rule purported to have been made by a Conservator before the commencement of the Indian Forest (Uttar Pradesh Amendment) Act, 1965, prescribing fees to be paid in respect of passes specified in clause (b) of sub-section (2) shall be deemed to have been made under a power delegated under sub-section (2-A) as if the provisions of sub-section (2-A) were always in force and the Conservator were duly authorised thereunder, and shall be deemed to be always to have been valid, and shall continue in force until altered, repealed or amended by the State Government or a duly authorised Conservator, as the case may be:

Provided that nothing in this sub-section shall be deemed to authorise the prosecution or punishment of any person under section 42 for any act done before the commencement of the said Act. U.P. Act 23 of 1965, Section 13 (w.e.f. 23-11-1965).

**[West Bengal].** In its application to the State of West Bengal, in Section 41,

(a) for sub-S. (1), substitute the following sub-section, namely:

(1) The control of all rivers and their banks as regards the floating of timber and other forest-produce, as well as the control of transit of all timber and other forest-produce by land or water and the control of trade and possession of timber and other forest-produce, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce as well as the trade and possession of timber and other forest-produce.;

(b) in sub-S. (2), after Cl. (i), insert the following clause, namely:

(i) provided the regulation by licence or permit of trade and possession of timber and other forest-produce, and the levy of fees for such licence or permit.W.B. Act 22 of 1988, Section 6.

**[41-A. Powers of Central Government as to movements of timber across customs frontiers.**Notwithstanding anything in section 41, the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from [the territories to which this Act extends] across any customs frontier as defined by the Central Government, and any rules made under section 41 shall have effect subject to the rules made under this section.]

**42. Penalty for breach of rules made under section 41.**(1) The "State Government" may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

## STATE AMENDMENTS ▼

**[Bihar]**.In its application to the State of Bihar, for Section 42, substitute the following section, namely:

*42. Penalty for breach of rules made under section 41.*The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a minimum term of six months which may extend to two years or with minimum fine of one thousand rupees which may extend to five thousand rupees or with both. The offence under this section shall be cognizable and non-bailable.Bihar Act 9 of 1990, Section 4 (w.e.f. 10-9-1990).

**[Goa]**.In Section 42, for the words six months and five hundred rupees, substitute one year and one thousand rupees, respectively.Goa Act 15 of 1989, Section 3 (w.e.f. 10-8-1989).

**[Himachal Pradesh]**.In its application to the State of Himachal Pradesh, in Section 42, for the words six months and five hundred, substitute two years and five thousand, respectively.H.P. Act 15 of 1991, Section 3 (w.e.f. 24-7-1991).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, in Section 42, sub-S. (1), for the words extend to six months or fine which may extend to five hundred rupees, substitute extend to one year or fine which may extend to two thousand rupees.M.P. Act 9 of

1965, Section 7 (w.e.f. 20-3-1965).

**[Maharashtra]**.In its application to the State of Maharashtra, in Section 42, sub-S. (1), for the words six months or with fine which may extend to five hundred rupees, substitute one year or with fine which may extend to two thousand rupees.Maharashtra Act 7 of 1985, Section 6 (w.e.f. 1-6-1985).

**[Uttaranchal]**.In its application to the State of Uttaranchal, in Section 42, in sub-S. (1), for the words six month, or fine which may extend to five hundred rupees, substitute two years, or fine which may extend to five thousand rupees.Uttaranchal Act 10 of 2002, Section 5.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, in Section 42, in sub-S. (1), substitute the following sub-section, namely:

(1) The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to two years, or fine which may extend to five thousand rupees or both.U.P. Act 1 of 2001, Section 5 (w.e.f. 16-4-2001).

**[West Bengal]** .In its application to the State of West Bengal, in Section 42, sub-S. (1), for the words six months, or fine which may extend to five hundred rupees, substitute one year, or fine which may extend to one thousand rupees.W.B. Act 22 of 1988, Section 7 (w.e.f. 3-2-1989).

**43. Government and Forest Officers not liable for damage to forest-produce at depot.**The [Government] shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

**44. All persons bound to aid in case of accident at depot.**In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the [Government] or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

## **CHAPTER VIII**

### ***Of the Collection of Drift and Stranded Timber***

**45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly .**(1) All timber found adrift, breached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the [State Government] directs, all unmarked wood and timber; shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.



(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 51, and may (3) The [State Government] may, by notification in the Official Gazette, exempt any class of timber from the provisions of this section.

**46. Notice to claimants of drift timber.**Public notice shall from time to time be given by the Forest Officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

**47. Procedure on claim preferred to such timber.**(1) When any such statement is presented as aforesaid, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may within three months from the date of such rejection institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the [Government], or against any Forest Officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

**48. Disposal of unclaimed timber.**If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

**49. Government and its officers not liable for damage to such timber.**The [Government] shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

**50. Payments to be made by claimant before timber is delivered to him.**No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or

other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.

**51. Power to make rules and prescribe penalties.**(1) The [State Government][may, by notification in the Official Gazette, make rules] to regulate the following matters, namely:

- (a) the salving, collection and disposal of all timber mentioned in section 45;
- (b) the use and registration of boats used in salving and collecting timber;
- (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and
- (d) the use and registration of hammers and other instruments to be used for making such timber.

[ (1-A) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The [State Government] may prescribe, as penalties for the contravention of any rules made under this section imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

#### STATE AMENDMENTS ▼

**[Goa].**In Section 51,

- (i) in sub-S. (1), after Cl. (d), Cl. (e), as inserted by Goa Act 15 of 1989, Section 4, has been omitted by Goa Act 2 of 1990, Section 2 (w.e.f. 29-3-1990).
- (ii) in sub-S. (2), for the words six months and five hundred rupees, substitute one year and one thousand rupees, respectively.Goa Act 15 of 1989, Section 4 (w.e.f. 10-8-1989).

**[Madhya Pradesh].**In its application to the State of Madhya Pradesh, in Section 51, lsub-S. (2), for the words extends to six months or fine which may extend to five hundred rupees, substitute extend to one year, or fine which may extend to one thousand rupees.M.P. Act 9 of 1965, Section 8 (w.e.f. 20-3-1965).

**[West Bengal].**In its application to the State of West Bengal, in Section 51, sub-S. (2), for six months, or fine which may extend to five hundred rupees, substitute one year, or fine which may extend to one thousand rupees.W.B. Act 22 of 1988, Section 8 (w.e.f. 3-2-1989).

#### Section 51-A

#### STATE AMENDMENTS ▼

**[Tripura]** .After Section 51, insert the following section, namely:

*51-A. Power to regulate manufacture and preparation of articles based on forest-produce.*(1) The State Government may make rules,

- (a) to provide for the establishment, and regulation by licence, permit or otherwise (and the payment of fees therefor), of saw mills and other units including factories engaged in the manufacture or preparation of the following articles:

- (i) *katha* (catechu) or kuth out of *khair* wood;
  - (ii) plywood, veneer and wood-panel products;
  - (iii) preparation of match-boxes and match-splints;
  - (iv) boxes including packing cases made out of wood;
  - (v) such other articles based on forest-produce as the State Government may, by notification in the Official Gazette, from time to time, specify;
- (b) to provide for the regulation by licence, permit or otherwise, of procurement of raw materials for the preparation of the article mentioned in clause (a), the payment and deposit of fees therefor and for due compliance of the conditions thereof, the forfeiture of the fee so deposited or any part thereof for contravention of any such condition, and the adjudication of such forfeiture by such authority as the State Government may, by notification in the Official Gazette, specify.

(2) The State Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both. Tripura Act 10 of 1984, Section 4 (w.e.f. 16-3-1985).

**[West Bengal].** In its application to the State of West Bengal,

(1) Same as that of Tripura. See Indian Forest (West Bengal Amendment) Act, 1981.

(2) in sub-S. (2) of Section 51-A (as inserted in 1981 by W.B. Amendment), for the words six months or fine which may extend to five hundred rupees, substitute one year, or fine which may extend to one thousand rupees. W.B. Act 22 of 1988, Section 9 (w.e.f. 3-2-1989).

## CHAPTER VIII-A

### STATE AMENDMENTS ▼

## CHAPTER IX

### *Penalties And Procedure*

**52. Seizure of property liable to confiscation.** (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts or cattle used in committing any such offence, may be seized by any Forest Officer or Police Officer.

(2) 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:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the

offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

## STATE AMENDMENTS ▼

**[Bihar]**.In its application to the State of Bihar, for Section 52, substitute the following section, namely:

52. *Seizure and its procedure for the property liable for confiscation.*(1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, arms, boats, vehicles, ropes, chains or any other article used in committing any such offence, may be seized by any Forest Officer or Police Officer.

(2) 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 either produce the property seized before an officer not below the rank of the Divisional Forest Officer authorised by the State Government in this behalf by notification (hereinafter referred to as the authorised officer) or where it is, having regard to quantity of bulk or other genuine difficulty, not practicable to produce the property seized before the authorised officer, or where it is intended to launch criminal proceedings against the offender immediately, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that when the forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the Officer makes, as soon as may be, a report of the circumstances to his immediate superior.

(3) Subject to sub-section (5), where the authorised officer upon production before him of property seized or upon receipt of report about seizure, as the case may be, is satisfied that a forest-offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded confiscate forest-produce so seized together with all tools, arms, boats, vehicles, ropes, chains or any other article used in committing such offence. The Magistrate having jurisdiction to try the offence concerned may, on the basis of the report of the authorised confiscating officer, cancel the registration of a vehicle used in committing the offence, the licence of the vehicle-driver and the licence of the arms. A copy of order on confiscation shall be forwarded without undue delay to the Conservators of Forests of the forest-circle in which the forest-produce, as the case may be, has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer

- (a) sends an intimation about initiation of proceedings for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;
- (b) issues a 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;
- (c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation, and

(d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purposes.

(5) No order of confiscation under sub-section (3) of any tools, arms, boats, vehicles, ropes, chains or any other article (other than the forest-produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such tools, arms, boats, ropes, chains or other articles were used without his knowledge or connivance or, as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of the objects aforesaid for commission of forest-offence. Bihar Act 9 of 1990, Section 5 (w.e.f. 10-9-1990).

**[Goa].**In Section 52,

(i) in sub-S. (1), for the words or cattle, substitute cattle, vehicles or any contrivances used;

(ii) after sub-S. (1), insert the following sub-section, namely:

(1-A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle or cart has been or is being used for the transport of forest-produce in respect of which there is a reason to believe that a forest-offence has been or is being committed, require the driver or other person in charge of such vehicle or cart to stop the vehicle or cart and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle or cart and inspect all records relating to the forest-produce carried, which are in the possession of such driver or other person in charge of the vehicle or cart or any other person in the vehicle or cart;

(iii) for sub-S. (2), substitute the following sub-section, namely:

(2) Every officer seizing any property under this section, shall place on such property or the receptacle of vehicle (if any) in which it is contained, a mark indicating that the same has been so seized and make a report of such seizure.

(a) where the offence on account of which the seizure has been made, is in respect of timber, firewood, charcoal or any forest-produce which is the property of Government, to the concerned authorised officer under section 61-A, and

(b) in other cases, to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his superior officer. Goa Act 15 of 1989, Section 5 (w.e.f. 10-8-1989).

**[Gujarat].**In its application to the State of Gujarat,

(1) for the word carts wherever it occurs, substitute vehicles. Gujarat Act 15 of 1960, Section 3, 4(2) (w.e.f. 8-12-1960).

(2) After sub-S. (1), insert the following sub-section, namely:

(1-A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest-produce in respect of which there is reason to believe that a forest-offence has been or is being committed, require the driver or other person

in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary for examination of the contents in the vehicle and inspection of all records relating to the forest-produce and in possession of such driver or other person in charge of the vehicle or any other person in the vehicle;

(3) In sub-S. (2), for the words make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made, substitute make a report of such seizure

(a) where the offence on account of which the seizure has been made is in respect of the forest-produce which is the property of the State Government or in respect of which the State Government has any interest, to the concerned authorised officer under section 61-A; and

(b) in other cases, to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made. Gujarat Act 19 of 1983, Section 2 (w.e.f. 24-5-1983).

**[Himachal Pradesh].** In its application to the State of Himachal Pradesh, in Section 52,

(1) for the word carts, wherever it occurs, substitute vehicles. H.P. Act 25 of 1968, Section 4 (w.e.f. 17-2-1968);

(2) for sub-S. (2), substitute the following sub-sections, namely:

(2) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of timber (excluding fuelwood) resin, *khair* wood and *katha* in respect of which a forest-offence has been or is being committed, require the driver or other person-in-charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person-in-charge of the vehicle.

(3) Every Officer seizing any property under this section shall place on such property a mark indicating that the same has been seized, and shall, as soon as may be, make a report of such seizure

(a) where the offence, on account of which the seizure has been made, is in respect of timber (excluding fuelwood), resin, *khair* wood and *katha* which is the property of the State Government, to the concerned authorised officer under sub-section (1) of section 52-A; and

(b) in other cases, to the Magistrate having jurisdiction to try the offence on account of which the seizure is made. H.P. Act 15 of 1991, Section 4 (w.e.f. 24-7-1991).

**[Madhya Pradesh].** In its application to the State of Madhya Pradesh, for Section 52, substitute the following section, namely:

**52. Seizure of property liable to confiscation and procedure therefor.** (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, vehicles, chains or any other article used in committing any such offence may be seized by any Forest Officer or Police Officer.

(2) 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, either produce the property seized before an officer not below the rank of an Extra Assistant Conservator of

Forests authorised by the State Government in this behalf by notification (hereinafter referred to as the authorised officer) or where it is, having regard to quantity or bulk or other genuine difficulty, not practicable to produce property seized before the authorised officer, make a report about the seizure to the authorised officer, or where it is intended to launch criminal proceedings against the offender immediately, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) Subject to sub-section (5), where the authorised officer upon production before him of property seized or upon receipt of report about seizure, as the case may be, is satisfied that a forest-offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded confiscate forest-produce so seized together with all tools, vehicles, boats, ropes, chains or any other article used in committing such offence. A copy of order of confiscation shall be forwarded without any undue delay to the Conservator of Forests of the forest circle in which the timber or forest-produce, as the case may be, has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer

- (a) sends an intimation in form prescribed about initiation of proceedings for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;
- (b) issues a 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;
- (c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and
- (d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose.

(5) No order of confiscation under sub-section (3) of any tools, vehicles, boats, ropes, chains or any other article (other than timber or forest-produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such tools, vehicles, boats, ropes, chains or other articles were used without his knowledge or connivance or as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions has been taken against use of objects aforesaid for commission of forest-offence. M.P. Act 25 of 1983, Section 3 (w.e.f. 1-11-1983).

**[Maharashtra].**(1) Same as (1) in Gujarat.Bombay Act 25 of 1953, Section 2 (w.e.f. 12-5-1953) and Maharashtra Act 6 of 1961, Section 2 (w.e.f. 3-2-1961).

(2)(a) After sub-S. (1), insert the following sub-section, namely:

(1-A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has

been or is being used for the transport of forest-produce in respect of which there is reason to believe that a forest-offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle;

(b) In sub-S. (2),

(i) after the words on such property, insert or the receptacle or vehicle (if any) in which it is contained;

(ii) after the proviso, add the following proviso, namely:

Provided further that, where the offence on account of which the seizure has been made is in respect of timber, sandalwood, firewood, charcoal or such other forest-produce as may be notified by the State Government from time to time (hereinafter referred to as the notified forest-produce) and which is the property of the State Government, such officer shall make a report of such seizure also to the concerned authorised officer under section

*Explanation.* For the purposes of this Chapter, the expressions property of Government and property of the State Government include the property belonging to the Forest Department Corporation of Maharashtra, Limited;

(c) In the marginal note, for the word confiscation, substitute confiscation and forfeiture. Maharashtra Act 7 of 1985, Section 7 (w.e.f. 1-6-1985).

**[Punjab, Haryana and Chandigarh].** Same as that in (1) of Gujarat. East Punjab Act 7 of 1948, Section 2 (w.e.f. 3-4-1948).

**[Tripura].** In sub-S. (1) of Section 52, for carts or cattle, substitute carts, vehicles or cattle. Tripura Act 10 of 1984, Section 5 (w.e.f. 16-3-1985).

**[Uttaranchal].** In its application to the State of Uttaranchal, in Section 52,

(i) in sub-S. (1), for the words carts or cattle, substitute vehicles, cattle, ropes, chains or other articles;

(ii) for sub-S. (2), substitute the following sub-sections, 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. Uttaranchal Act 10 of 2002, Section 6.



**[Uttar Pradesh]**. In its application to the State of Uttar Pradesh, in Section 52,  
(i) in sub-S. (1), for the words vehicles or cattle, substitute vehicles, cattle, ropes, chains or other articles;

(ii) for sub-S. (2), substitute the following sub-sections, 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. U.P. Act 1 of 2001, Section 6 (w.e.f. 16-4-2001).

**[West Bengal]**. In its application to the State of West Bengal, in Section 52,

(a) in sub-S. (1), for boats, carts, substitute ropes claims boats, vehicles;

(b) in sub-S. (2),

(i) after the words on such property, insert or the receptacle, if any containing such property, and

(ii) for the proviso, substitute the following proviso, namely:

Provided that it will not be necessary to make a report of such seizure to the Magistrate in the following cases, namely:

(i) when the forest-produce with respect to which each offence is believed to have been committed is the property of the State Government and the offender is unknown, it shall be sufficient to make a report of the circumstances to the official superior;

(ii) when the offence falls under the purview of section 59-A:

(iii) when the offender agrees in writing to get the offence compounded;

(c) after sub-S. (2), insert the following sub-section, namely:

(3) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of any forest-produce in respect of which a forest-offence has been committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the content in the vehicle and inspect all records relating to goods carried, which are in possession of such driver or other person in charge of the vehicle. W.B. Act 22 of 1988, Section 10 (w.e.f. 3-2-1989).

## Sections 52-A to 52-D

### STATE AMENDMENTS ▼

**[Bihar]**.In its application to the State of Bihar, after Section 52, insert the following new sections, namely:

*52-A. Appeal against the order of confiscation.*Any person aggrieved by an order of confiscation may, within thirty days of the order, or if the fact of such order has not been communicated to him within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee payable in such form as may be prescribed, alongwith the certified copy of order of confiscation to the District Magistrate (hereinafter referred to as Appellate Authority) of the District in which the forest-produce has been seized.

*Explanation.*(1) The time required for obtaining certified copy of order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.

(2) The Appellate Authority referred to in section 52-A, may, where no appeal has been preferred before him, *suo motu* within thirty days of date of receipt of copy of order of confiscation by him, and shall on presentation of memorandum of appeal issue a notice for hearing of appeal or, as the case may be, of *suo motu* action to the officer effecting seizure and to any other person (including appellant, if any) who in the opinion of the Appellate Authority, is likely to be adversely affected by the order of confiscation, and may send for the record of the case:

Provided that no formal notice of appeal need be issued to such amongst the appellant, officer effecting seizure and any other person likely to be adversely affected as aforesaid as may waive the notice or as may be informed in any other manner of date of hearing of appeal by the Appellate Authority.

(3) The Appellate Authority shall send intimation in writing of lodging of appeal or about *suo motu* action, to the authorised officer.

(4) The Appellate Authority may pass such order of Interim nature for custody, preservation or disposal (if necessary) of the subject-matter of confiscation, as may appear to be just or proper in the circumstances of the case.

(5) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.

(6) On the date fixed for hearing of the appeal or *suo motu* action, or on such date to which the hearing may be adjourned, the Appellate Authority shall peruse the record and hear the parties to the appeal if present in person, or through any agent duly authorised in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification order of confiscation:

Provided that before passing any final order the Appellate Authority may if it is considered necessary for proper decision of appeal or for proper disposal of *suo motu* action, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(7) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(8) Copy of final order or of order of consequential nature, shall be sent to the authorised

officer for compliance or for passing any appropriate order in conformity with the Order of Appellate Authority.

*52-B. Petition for revision before Secretary, Forest and Environment Department, Government of Bihar against the order of the Appellate Authority.*(1) Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned, submit a petition for revision to the Secretary, Forest and Environment Department, Government of Bihar.

*Explanation.*In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of Appellate Authority shall be excluded.

(2) The Secretary, Forest and Environment Department, Government of Bihar may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the Authorised Officer for compliance or for passing such further order or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Secretary, Forest and Environment Department, Government of Bihar shall as far as may be, exercise the same powers and follow the same procedure as exercised and followed while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973.

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 the order passed under this section shall be final and shall not be called in question before any Court.

*52-C. Bar of jurisdiction of Court, etc. in certain circumstances.*(1) On receipt of intimation under sub-section (4) of section 52 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject-matter of confiscation, has been made, no Court, Tribunal or Authority (other than the authorised officer, Appellate Authority and Revision Authority referred to in sections 52, 52-A and 52-B) shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated in this Act, or any other law for the time being in force.

*Explanation.*Where under any law for the time being in force, two or more Courts have jurisdiction to try forest-offence, then on receipt of intimation under sub-section (4) of section 52 by one of the Courts of Magistrates having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Courts.

(2) Nothing in sub-section (1) shall affect the power saved under section 61.

*52-D. Power of entry, inspection, search and seizure.*Notwithstanding anything contained in any other law for the time being in force any Forest Officer not below the rank of a Range Officer of Forests or any Police Officer not below the rank of a Sub-Inspector may, if he has reasonable grounds to believe that any forest-offence has been committed in contravention of this Act enter upon, inspect and search any place, premises, appurtenances thereto, land, vehicle or boat and seize any illegal forest-produce and all tools, arms, boats, vehicles, ropes, chains or any other articles used in committing such offence. Bihar Act 9 of 1990, Section 6 (w.e.f. 10-9-1990).

## **Sections 52-A and 52-B**

**[Himachal Pradesh]** .In its application to the State of Himachal Pradesh, after Section 52, insert the following sections, namely:

*52-A. Confiscation by Forest Officers in certain cases* .(1) Notwithstanding anything contained in this Chapter, where a forest-offence is believed to have been committed in respect of timber (excluding fuelwood), resin, *khair* wood and *katha*, which is the property of the State Government, the Officer seizing the property under sub-section (1) of section 52 without any unreasonable delay produce it, together with all tools, ropes chains, boats or vehicles used in committing such offence before an Officer, authorised by the State Government in this behalf, by notification published in the Official Gazette, not below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) Where an authorised officer seizes under sub-section (1) of section 52 any timber (excluding fuelwood) resin, *khair* wood and *katha*, which is the property of the State Government, or where any such property is produced before an authorised officer under sub-section (1), once he is satisfied that a forest-offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property so seized together with all tools, ropes, chains, boats or vehicles used in committing such offence.

(3)(a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction of other incidental expenses relating thereto, shall, where the order of confiscation made under section 52-A is set aside or annulled by an order under section 59 or section 59-A, be paid to the owner thereof or the person from whom it was seized as may be specified in such order.

*52-B. Issue of show cause notice before confiscation under section 52-A.*(1) No order confiscating any timber (excluding fuelwood), resin, *khair* wood and *katha*, ropes chains, boats or vehicles shall be made under section 52-A except after notice in writing to the person from whom it is seized and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except, after giving notice in writing to the registered owner thereof, if in the opinion of the Authorised Officer it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat or vehicle shall be made under section 52-A if the owner of the tool, rope, chain, boat or vehicle proves to the satisfaction of the authorised officer that it was used in carrying the timber (excluding fuelwood), resin, *khair* wood and *katha* without the knowledge or connivance of the owner himself, his agent, if any and the person-in-charge of the tool, rope, chain, boat or vehicle and that each of them had taken all reasonable and necessary precaution against such use.H.P. Act 15 of 1991, Section 5 (w.e.f. 24-7-1991).

## **Sections 52-A to 52-C**

**[Madhya Pradesh]** In its application to the State of Madhya Pradesh, after Section 52, insert the following sections, namely:

**52-A. Appeal against order of confiscation.**(1) Any person aggrieved by an order of confiscation may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee and payable in such form as may be prescribed and by certified copy of order of confiscation to the Conservator of Forests (hereinafter referred to as Appellate Authority) of the forest circle in which the forest-produce has been seized.

*Explanation.*(1) The time requisite for obtaining certified copy of order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.

(2) The Appellate Authority referred to in sub-section (1), may, where no appeal has been preferred before him, *suo motu* within thirty days of date of receipt of copy of order of confiscation by him, and shall on presentation of memorandum of appeal issue a notice for hearing of appeal or, as the case may be, of *suo motu* action to the officer effecting seizure and to any other person (including appellant, if any) who in the opinion of the Appellate Authority, is likely to be adversely affected by the order of confiscation, and may send for the record of the case:

Provided that no formal notice of appeal need be issued to such amongst the appellant, officer effecting seizure and any other person likely to be adversely affected as aforesaid, as may waive the notice or as may be informed in any other manner of date of hearing of appeal by the Appellate Authority.

(3) The Appellate Authority shall send intimation in writing of lodging of appeal or about *suo motu* action, to the authorised officer.

(4) The Appellate Authority may pass such orders of Interm nature for custody, preservation or disposal (if necessary) of the subject-matter of confiscation, as may appear to be just or proper in the circumstances of the case.

(5) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.

(6) On the date fixed for hearing of the appeal or *suo motu* action, or on such date to which the hearing may be adjourned the Appellate Authority shall peruse the record and hear the parties to the appeal if present in person, or through any agent duly authorised in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation:

Provided that before passing any final order the Appellate Authority may if it is considered necessary for proper decision of appeal or for proper disposal of *suo motu* action, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(7) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(8) Copy of final order or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of Appellate Authority.

**52-B. Revision before Court of Sessions against order of Appellate Authority.**(1) Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the

Appellate Authority, may within thirty days of the order sought to be impugned, submit a petition for revision to the Court of Sessions within the Sessions division whereof the headquarters of the Appellate Authority are situate.

*Explanation.*In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of order of Appellate authority shall be excluded.

(2) The Court of Sessions may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the Authorised officer for compliance or for passing such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973.

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

*52-C. Bar to jurisdiction of Court, etc., under certain circumstances.*(1) On receipt of intimation under sub-section (4) of section 52 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject-matter of confiscation, has been made, no Court, Tribunal or Authority (other than the Authorised Officer, Appellate Authority and Court of Session referred to in sections 52, 52-A and 52-B) shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated under section 52, notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force.

*Explanation.*Where under any law for the time being in force, two or more Courts, have jurisdiction to try forest-offence, then receipt of intimation under sub-section (4) of section 52 by one of the Courts of Magistrates having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Courts.

(2) Nothing in sub-section (1) shall affect the power saved under section 61.M.P. Act 25 of 1983, Section 4 (w.e.f. 1-11-1983).

### **Section 52-A**

**[Tripura]** .After Section 52, insert the following section, namely:

*52-A. Confiscation of saw mill, etc.*(1) Where a saw mill is established, maintained or operated without a licence or without renewal of a licence, the Authorised Officer may order confiscation of the stock of wood together with whole or portion of the plants, machinery implements, tools, and equipments of the saw mill.

(2) Where the Authorised Officer seizes under sub-section (1) of section 52 any forest-produce or where any such property is produced before the Authorised Officer after seizure by any Forest Officer and he is satisfied that a forest-offence has been committed in respect of such property, such Authorised Officer may, whether or not a prosecution instituted for the commission of such forest-offence, order confiscation of the property so seized together with

all tools, equipments, ropes, chains, boats, carts, vehicles and cattle used in committing such offence.

(3) No order confiscating any property shall be made under sub-section (1) or sub-section (2) unless the person from whom the property is seized and in case the owner of such property is known, such person is given

(a) a notice in writing informing him the grounds on which it is proposed to confiscate such property;

(b) an opportunity of making representation in writing within such reasonable time as may be specified in the notice against the grounds or confiscation; and

(c) a reasonable opportunity of being heard in the matter.

(4) Any Forest Officer not below the rank of Conservator of Forests empowered by the State Government in this behalf by notification, may, within 30 days from the date of order of confiscation by the Authorised Officer under sub-section (1) or sub-section (2) either *suo motu* or on application, call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and pass orders as he may think fit:

Provided that no order prejudicial to any person shall be passed without giving him an opportunity of being heard.

(5) Any person aggrieved by an order passed under sub-section (1), (2) or (4) may, within thirty days from the date of communication to him of such order, appeal to the District Court having jurisdiction over the area in which the property has been seized and the District Court shall after giving an opportunity to the parties to be heard, pass such order as it may think fit and the order of the District Court so passed shall be final. Where an order of confiscation of any property passed under sub-section (1) or sub-section (2) or sub-section (4) has become final in respect of the whole or any portion of such property, such property or the portion thereof, as the case may be, shall vest in the State Government free from all encumbrances.

**Explanation.** For the purposes of this section Authorised Officer means an officer not below the rank of Assistant Conservator of Forest authorised by the State Government by notification. Tripura Act 8 of 1987, Section 3 (w.e.f. 20-5-1987).

### **Sections 52-A to 52-D**

**[Uttaranchal]** .In its application to the State of Uttaranchal, after Section 52, insert the following sections, 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 such 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 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 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. Uttaranchal Act 10 of 2002, Section 7.

### **Sections 52-A to 52-D**

**[Uttar Pradesh]** .In its application to the State of Uttar Pradesh, after Section 52, insert the following sections, 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 such 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, rope, 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 State Government and the State Government 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 State Government 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 indictment 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. U.P. Act 1 of 2001, Section 7 (w.e.f. 16-4-2001).

### **Section 52-A**

**[West Bengal]** .In its application to the State of West Bengal, after Section 52, insert the following section, namely:

*52-A. Penalty for forcibly opposing seizure.* Whoever forcibly opposes the seizure of tools, ropes, chains, boats, vehicles or cattle liable to be seized under this Act, or receives the same after seizure, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. W.B. Act 22 of 1988, Section 11 (w.e.f. 3-2-1989).

**53. Power to release property seized under section 52.** Any Forest Officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

#### **STATE AMENDMENTS ▼**

**[Goa].** In Section 53, for the words of cattle under section 52, may release, substitute vehicle, cattle, or any other contrivance under section 52, may, subject to the provision of section 61-G, release. Goa Act 15 of 1989, Section 6 (w.e.f. 10-8-1989).

**[Gujarat].** In its application to the State of Gujarat, in Section 53,

(1) for the word carts, substitute vehicles. Gujarat Act 15 of 1960, Sections 3, 4(2) (w.e.f. 8-12-1960).

(2) for the words under section 52, may release, substitute under section 52, may, subject to section 61-G, release. Gujarat Act 19 of 1983, Section 3 (w.r.e.f. 24-5-1983).

**[Himachal Pradesh].** In its application to the State of Himachal Pradesh,

(1) for the word carts, substitute vehicles. H.P. Act 25 of 1968, Section 4 (w.e.f. 7-2-1968).

(2) At the end of Section 53 but before the sign ., insert the words, brackets, figures, sign and alphabet or before the authorised officer under sub-section (1) of section 52-A. H.P. Act 15 of 1991, Section 16 (w.e.f. 24-7-1991).

**[Madhya Pradesh].** Same as that of Himachal Pradesh. M.P. Act 9 of 1965, Section 8 (w.e.f. 20-3-1965).

**[Maharashtra].** (1) Same as in Gujarat (1). Bombay Act 25 of 1953, Section 2 (w.e.f. 12-5-1953) and Maharashtra Act 6 of 1961, Section 3 (w.e.f. 3-2-1961).

(2) Same as (2) in Gujarat. Maharashtra Act 7 of 1985, Section 8 (w.e.f. 1-6-1985).

**[Punjab, Haryana and Chandigarh].** Same as that of Gujarat. East Punjab Act 7 of 1948, Section 2 (w.e.f. 3-4-1948) and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).

**[Tripura].** In Section 53, for carts or cattle, substitute carts, vehicles or cattle. Tripura Act 10 of 1984, Section 6 (w.e.f. 16-3-1985).

**[Uttaranchal].** In its application to the State of Uttaranchal, in Section 53,

(i) for the words carts or cattle, substitute vehicle, cattle, ropes, chains or other articles;

(ii) after the words the seizure has been made, insert except in respect of cases falling under section 52-A for which the procedure laid down in that section shall be followed. Uttaranchal Act 10 of 2002, Section 8.

**[Uttar Pradesh].** In its application to the State of Uttar Pradesh, in Section 53,

(i) for the word carts, substitute vehicles. U.P. Act 21 of 1960, Section 7 (w.e.f. 2-11-1960).

(ii) for the words vehicles or cattle, substitute vehicles, cattle, ropes, chains or other articles;

(iii) after the words the seizure has been made, insert except in respect of cases falling

under section 52-A for which the procedure laid down in that section shall be followed.U.P. Act 1 of 2001, Section 8 (w.e.f. 16-4-2001).

**[West Bengal]**.In its application to the State of West Bengal, in Section 53,

(a) for the words boats, carts, substitute ropes, chains, boats, vehicles; and

(b) after the words the seizure has been made, insert except in respect of offences falling under section 59-A for which the procedure laid down in that section shall be followed.W.B. Act 22 of 1988, Section 12 (w.e.f. 3-2-1989).

**54. Procedure thereupon** .Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

#### STATE AMENDMENTS ▼

**[Gujarat]**.In its application to the State of Gujarat, Section 54 shall be omitted.Gujarat Act 19 of 1983, Section 4 (w.r.e.f. 24-5-1983).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, in Section 54, for full stop, substitute a colon and thereafter, add following proviso, namely:

Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no intimation under sub-section (4) of section 52 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made.M.P. Act 25 of 1983, Section 5-C (w.e.f. 1-11-1983).

**[Maharashtra]**.In its application to the State of Maharashtra, for Section 54, substitute the following section, namely:

*54. Procedure on receipt by Magistrate of report of seizure.*Upon the receipt of any report under sub-section (2) of section 52, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and, subject to sections 58 and 61-G, for the disposal of the property according to law.Maharashtra Act 7 of 1985, Section 9 (w.e.f. 1-6-1985).

**[West Bengal]**.In its application to the State of West Bengal, in Section 54, for any such report, substitute any report under sub-section (2) of section 52.W.B. Act 22 of 1988, Section 13 (w.e.f. 3-2-1989).

**55. Forest-produce, tools, etc., when liable to confiscation.**(1) All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest-offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

#### STATE AMENDMENTS ▼

**[Gujarat]**.In its application to the State of Gujarat, in Section 55,

(1) for the word carts, substitute vehicles.Gujarat Act 15 of 1960, Sections 3, 4(2) (w.e.f. 8-12-1960).

(2) for the words shall be liable, substitute shall, subject to section 61-G, be liable.Gujarat Act

19 of 1983, Section 5 (w.r.e.f. 24-5-1983).

**[Himachal Pradesh]**.In its application to the State of Himachal Pradesh, in Section 55, for carts, substitute vehicles.H.P. Act 25 of 1968, Section 4 (w.e.f. 17-2-1968).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, in Section 55, (1) for the word cart, substitute vehicle.M.P. Act 9 of 1965, Section 11 (w.e.f. 20-3-1965).

(2) for sub-S. (1), substitute the following sub-section, namely:

(1) All timber or forest-produce which in either case is not the property of the Government and in respect of which a forest-offence has been committed, and all tools, boats, vehicles, ropes, chains or any other article, in each case used in committing any forest-offence, shall, subject to provisions of sections 52, 52-A, 52-B and 52-C, be liable to confiscation upon conviction of the offender for such forest-offence.M.P. Act 25 of 1983, Section 6 (w.e.f. 1-11-1983).

**[Maharashtra]**.(1) Same as in Gujarat (1).Maharashtra Act 6 of 1961, Section 2 (w.e.f. 3-2-1961).

(2) In Section 55,

(a) in sub-S. (1), for shall be liable to confiscation, substitute shall, subject to section 61-G, be liable by order of the convicting Court to forfeiture;

(b) in sub-S. (2), for confiscation, substitute forfeiture;

(c) in the marginal note, for confiscation, substitute forfeiture.Maharashtra Act 7 of 1985, Section 10 (w.e.f. 1-6-1985).

**[Punjab, Haryana and Chandigarh]**.Same as that of Gujarat (1).East Punjab Act 7 of 1948, Section 2 (w.e.f. 3-4-1948).

**[Uttaranchal]**.In its application to the State of Uttaranchal, in Section 55, in sub-S. (1), for the words carts and cattle used in committing any forest offence, substitute vehicles, cattle, ropes, chains and other articles used in committing such forest offence.Uttaranchal Act 10 of 2002, Section 9.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, in Section 55, in sub-S. (1), for the words vehicles and cattle used in committing any forest offence, substitute vehicles, cattle, ropes, chains and other articles used in committing such forest offence.U.P. Act 1 of 2001, Section 9 (w.e.f. 16-4-2001).

**[West Bengal]**.In its application to the State of West Bengal, in Section 55, sub-S. (1), for boats, carts and cattle, substitute ropes, chains, boats, vehicles or cattle.W.B. Act 22 of 1988, Section 14 (w.e.f. 3-2-1989).

**56. Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.**When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest Officer, and, in any other case, may be disposed of in such manner as the Court may direct.

## STATE AMENDMENTS ▼

**[Goa]**.In Section 56,

(i) for the words has been confiscated, substitute has been forfeited;

(ii) for the words in any other case, may be disposed, substitute in any other case

may, subject to provisions of section 61-G, be disposed. Goa Act 15 of 1989, Section 8 (w.e.f. 10-8-1989).

**[Gujarat].**In its application to the State of Gujarat, in Section 56, for the words in any other case may be disposed, substitute in any other case may, subject to section 61-G, be disposed. Gujarat Act 19 of 1983, Section 6 (w.r.e.f. 24-5-1983).

**[Maharashtra]**In its application to the State of Maharashtra, in Section 56,

(a) for the word confiscated, substitute forfeited;

(b) for the words in any other case, may be disposed of, substitute in any other case may, subject to section 61-G, be disposed of. Maharashtra Act 7 of 1985, Section 11 (w.e.f. 1-6-1985).

**[West Bengal].**In its application to the State of West Bengal, in Section 56, for the words When the trial of, substitute Without prejudice to the provisions of section 59-A, when the trial of. W.B. Act 22 of 1988, Section 15 (w.e.f. 3-2-1989).

**57. Procedure when offender not known, or cannot be found.**When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest Officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

## STATE AMENDMENTS ▼

**[Goa].**In Section 57,

(i) after the words that an offence has been committed, insert subject to the provisions of section 61-G;

(ii) for the words to be confiscated, substitute to be forfeited to the Government together with tools, boats, vehicles, carts or cattle or and other articles used in committing the offence;

(iii) for the words one month, substitute 45 days. Goa Act 15 of 1989, Section 8 (w.e.f. 10-8-1989).

**[Gujarat].**In its application to the State of Gujarat, in Section 57, for the words that an offence has been committed, substitute that an offence has been committed, subject to section 61-G. Gujarat Act 19 of 1983, Section 7 (w.r.e.f. 24-5-1983).

**[Maharashtra].**In its application to the State of Maharashtra, in Section 57, for the portion beginning with the words the Magistrate may and ending with the words to be confiscated, substitute the Magistrate may, if he finds that an offence has been committed, but subject to section 61-G, order the property in respect of which the offence has been committed, to be forfeited together with tools, boats, vehicles or cattle and other articles used in committing the offence. Maharashtra Act 7 of 1985, Section 12 (w.e.f. 1-6-1985).

**[Uttaranchal].**In its application to the State of Uttaranchal, in Section 57, for the words The

Magistrate may,, substitute The Magistrate, subject to section 52-D, may,.Uttaranchal Act 10 of 2002, Section 10.

**[Uttar Pradesh]**.Same as that of Uttaranchal.U.P. Act 1 of 2001, Section 10 (w.e.f. 16-4-2001).

**58. Procedure as to perishable property seized under section 52.**The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

## STATE AMENDMENTS ▼

**[Goa]**.For Section 58, substitute the following section, namely:

*58. Procedure as to perishable property seized under section 52.*The Forest Officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell the property if it is subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold and shall report every such sale to his superior officer.Goa Act 15 of 1989, Section 9 (w.e.f. 10-8-1989).

**[Gujarat]**.In Section 58,

(1) for the words The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of, substitute The Forest Officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell;

(2) add the following at the end, namely, and shall report about every such sale to his official superior.Gujarat Act 19 of 1983, Section 8 (w.r.e.f. 24-5-1983).

**[Himachal Pradesh]**.In its application to the State of Himachal Pradesh, after The Magistrate occurring in the beginning of Section 58, insert or subject to such rules as may be prescribed, the Authorised Officer under sub-section (1) of section 52-A .H.P. Act 15 of 1991, Section 7 (w.e.f. 24-7-1991).

**[Maharashtra]**.In its application to the State of Maharashtra, for Section 58, substitute the following section, namely:

*58. Procedure as to perishable property seized under section 52.*The Forest Officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell any property seized under section 52 and subject to speedy and natural decay, 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 such sale to his official superior.Maharashtra Act 7 of 1985, Section 13 (w.e.f. 1-6-1985).

**[Uttaranchal]**.In its application to the State of Uttaranchal, in Section 58, for the words The Magistrate may, notwithstanding anything hereinbefore contained,, substitute Notwithstanding anything hereinbefore contained, but subject to sub-section (3) of section 52-A, the Magistrate may,.Uttaranchal Act 10 of 2002, Section 11.

**[Uttar Pradesh]**.Same as that of Uttaranchal.U.P. Act 1 of 2001, Section 11 (w.e.f. 16-4-2001).

**[West Bengal]**.In its application to the State of West Bengal, Section 58 shall be renumbered as sub-S. (1) thereof and,

(1) in sub-S. (1), as so renumbered,

(a) the words and may deal with the proceeds as he would have dealt with such property if

it had not been sold shall be omitted;

(b) the following proviso shall be added,

Provided that if in the opinion of the officer seizing such property it is not possible to obtain the orders of the Magistrate in time, such officer may sell the property himself, remit the proceeds of sale into the Government treasury and may make a report of such seizure, sale and remittance to the Magistrate.;

(2) after sub-S. (1), as so renumbered, the following sub-section shall be inserted, namely,  
(2) The Magistrate may deal with the proceeds of the sale of any property sold under sub-section (1) as he would have dealt with such property if it had not been sold.W.B. Act 22 of 1988, Section 16 (w.e.f. 3-2-1989).

**59. Appeal from orders under section 55, section 56 or section 57.**The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may within one month from the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

#### **STATE AMENDMENTS ▼**

**[Goa].**In Section 59, for the words one month, substitute 45 days.Goa Act 15 of 1989, Section 10 (w.e.f. 10-8-1989).

**[Himachal Pradesh].**In Section 59,

(a) in the heading after orders under section but before the figure 55, insert 52-A;

(b) the existing section shall be renumbered as sub-S. (1) thereof; and

(c) after sub-S. (1), as so renumbered, the following sub-Ss. (2) and (3) shall be added, namely:

(2) Any person aggrieved by any order passed under section 52-A or section 59-A may, within thirty days from the date of communication to him of such order, appeal to the Session Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the Authorised Officer or the officer specially empowered under section 59-A, as the case may be, to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(3) The order of the Sessions Judge under sub-section (2) shall be final and shall not be questioned in any Court of law.H.P. Act 15 of 1991, Section 8 (w.e.f. 24-7-1991).

#### **Sections 59-A and 59-B**

**[Himachal Pradesh]** .In its application to the State of Himachal Pradesh, after Section 59, insert the following new sections, namely:

**59-A. Revision.**Any Forest Officer not below the rank of Conservator of Forests, specially empowered by the State Government in this behalf by notification published in the Official Gazette, may, before the expiry of thirty days from the date of order of the Authorised Officer under section 52-A, *suo motu* call for and examine the records of that order, may make such enquiry or cause such enquiry to be made and may pass such order as he deems fit:

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

*59-B. Bar of jurisdiction in certain cases.* Whenever any timber (excluding fuelwood), resin, *khair* wood and *katha* together with any tool, rope, chain, boat or vehicle used in committing any forest-offence is seized under section 52, the authorised officer under sub-section (1) of section 52-A or the officer specially empowered under section 59-A or Sessions Judge hearing an appeal under sub-section (2) of section 59 shall have, and 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, any other officer, Court, Tribunal or authority shall not have jurisdiction to make order with regard to custody, possession, delivery, disposal or distribution of such property. H.P. Act 15 of 1991, Section 9 (w.e.f. 24-7-1991).

### **Sections 59-A to 59-G**

**[West Bengal]** .In its application to the State of West Bengal, after Section 59, insert the following new sections, namely:

*59-A. Confiscation by Forest Officer of forest-produce in the case of forest-offence believed to have been committed.* (1) Notwithstanding anything contained in the foregoing provisions of this Chapter or in any other law for the time being in force, where a forest-offence is believed to have been committed in respect of the timber or other forest-produce which is the property of the State Government, the Forest Officer or the Police Officer seizing the timber or other forest-produce under sub-section (1) of section 52 shall, without any unreasonable delay, produce the same, together with all tools, ropes, chains, boats, vehicles and cattle used in committing the offence before an officer of a rank not inferior to that of an Assistant Conservator of Forests authorised by the State Government in this behalf by notification in the Official Gazette (hereinafter referred to as the authorised officer).

(2) The State Government may, for any local area, authorise one or more officers under sub-section (1).

(3) Where any timber or other forest-produce which is the property of the State Government is produced before an authorised officer under sub-section (1) and the Authorised Officer is satisfied that a forest-offence has been committed in respect of such property, he may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property together with all tools, ropes, chains, boats, vehicles and cattle used in committing the offence.

(4)(a) Where the Authorised Officer, after passing the order of confiscation of the property together with all tools, ropes, chains, boats, vehicles and cattle as aforesaid under sub-section (3), is of opinion that it is expedient in the public interest so to do, he may order such property or any part thereof and such tools, ropes, chains, boats, vehicles and cattle to be sold by public auction.

(b) Where the order of confiscation of any property or tools, ropes, chains, boats, vehicles or cattle under sub-section (3) is set aside or annulled under section 59-C or section 59-D, the proceeds of sale by auction shall, after deduction of the expenses of auction and all other incidental expenses relating thereto, if any, be paid to the owner of such property or tools, chains, boats, vehicles or cattle to the person from whom the same was seized as may be specified in the order under section 59-C or section 59-D.



*59-B. Issue of notice before confiscation.*(1) No order confiscating any property or tools, ropes, chains, boats, vehicles or cattle shall be made under section 59-A except after giving a notice in writing to the owner of, or the person from whom, such property or tools, ropes, chains, boats, vehicles or cattle have been seized, for showing cause as to why the same should not be confiscated and considering his objections, if any:

Provided that no order confiscating any motor vehicle shall be made except after giving a notice in writing to the registered owner thereof if, in the opinion of the authorised officer, it is practicable to do so and considering his objections, if any.

*Explanation.*Motor vehicle shall have the same meaning as in the Motor Vehicles Act, 1939.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 59-A, if the owner thereof proves to the satisfaction of the Authorised Officer that such tool, rope, chain, boat, vehicle or cattle was used in carrying the timber or other forest-produce without the knowledge or connivance of the owner himself or his agent, if any, or the person in charge thereof and that each of them had taken all reasonable and necessary precautions against such use.

*59-C. Revision.*Any Forest Officer of a rank not inferior to that of the Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may *suo motu*, or on application by the aggrieved person call for and examine any record of any order under section 59-A and may make such inquiry or cause such inquiry to be made and may pass such order as he deems fit:

Provided that no such record shall be called for after the expiry of thirty days from the date of the order under section 59-A, and no order under this section shall be passed if, in the meantime, an appeal has been preferred under section 59-D against any order under section 59-A:

Provided further that no order prejudicial to any person shall be passed under this section without giving him an opportunity of being heard.

*59-D. Appeal.*(1) Any person aggrieved by an order under section 59-A or section 59-C may, within thirty days from the date of communication to him of such order, prefer an appeal to the District Judge having jurisdiction over the area in which the property and the tools, ropes, chains, boats vehicles or cattle have been seized and the District Judge shall, after giving the appellant and the Officer who passed the order an opportunity of being heard, pass an order confirming, modifying or annulling the order appealed against.

(2) The order of the District Judge under sub-section (1) shall be final and shall not be called in question by any Court.

*59-E. Award of punishment under other provisions of the Act.*Notwithstanding any order under section 59-A or section 59-C or section 59-D, nothing in any of the said sections shall be deemed to prevent the award to any person affected by such order of any punishment to which such person is liable under this Act or any other law for the time being in force.

*59-F. Confiscated property and proceeds of sale to vest in Government.*When an order for the confiscation or sale by auction of any property or any tools, ropes, chains, boats, vehicles or cattle is passed under section 59-A and is confirmed in whole or in part on revision under section 59-C or on appeal under section 59-D, such property or tools, ropes, chains, boats, vehicles or cattle or the proceeds of sale, as the case may be, shall vest in the State Government from all encumbrances.

**59-G. 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, the officer authorised under section 59-A or the Forest Officer specially empowered under section 59-C or the District Judge to whom an appeal may be preferred under section 59-D shall have and any other officer or Forest Officer or Court, Tribunal or authority shall not have jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of any property or tools, ropes, chains, boats, vehicles or cattle seized under section 52.W.B. Act 22 of 1988, Section 17 (w.e.f. 3-2-1989).

**60. Property when to vest in Government** .When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

#### **STATE AMENDMENTS ▼**

**[Goa].** In Section 60, for confiscation, substitute confiscation and forfeiture. Goa Act 2 of 1990, Section 4 (w.e.f. 29-3-1990).

**[Himachal Pradesh].** In its application to the State of Himachal Pradesh, for Section 60, substitute the following section, namely:

**60.** When an order for confiscation of any property has been passed under section 52-A or section 55 or section 57, as the case may be, or where on revision application made under section 59-A such order for confiscation has not been set aside, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred or when, on such an appeal being preferred, the Appellate Court confirms such orders in respect of the property or a portion of such property, such property or such portion thereof, or if it has been sold under sub-section (3), of section 52-A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances. H.P. Act 15 of 1991, Section 10 (w.e.f. 24-7-1991).

**[Madhya Pradesh].** In its application to the State of Madhya Pradesh, renumber Section 60 as sub-S. (2) thereof and before sub-S. (2) as so renumbered, insert the following sub-section (1), namely:

(1) Property ordered to be confiscated by an Authorised Officer under section 52, subject to result of proceedings before Appellate Authority on presentation of appeal or upon *suo motu* action, under section 52-A, later on revision before Court of Sessions under section 52-B, shall, upon conclusion of proceedings in revision, vest in the Government free from all encumbrances:

Provided that such vesting shall take effect

(a) where no appeal is preferred or no *suo motu* action is taken, before or Appellate Authority on expiry of period specified for preferring appeal or for taking *suo motu* action under section 52-A, whichever is later;

(b) where final orders are passed by Appellate Authority under section 52-A, but no revision

preferred under section 52-Bon expiry of period specified for submitting petition for revision under section 52-B.M.P. Act 25 of 1983, Section 7 (w.e.f. 1-11-1983).

**[Maharashtra]**.In its application to the State of Maharashtra, in Section 60, for confiscation, substitute forfeiture.Maharashtra Act 7 of 1985, Section 14 (w.e.f. 1-6-1985).

**[Uttaranchal]**.In its application to the State of Uttaranchal, Section 60 shall be renumbered as sub-S. (1) thereof and after sub-S. (1), as so renumbered, insert the following sub-section, 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 on 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.Uttaranchal Act 10 of 2002, Section 12.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, Section 60 shall be renumbered as sub-S. (1) thereof and after sub-S. (1), as so renumbered, insert the following sub-section, 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 on 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.U.P. Act 1 of 2001, Section 12 (w.e.f. 16-4-2001).

**61. Saving of power to release property seized.**Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the [State Government] from directing at any time the immediate release of any property seized under section 52.

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**[Goa]**.In Section 61, for under section 52, substitute under section 52 which is not the property of the Government, and the withdrawal of any charge made in respect of such property.Goa Act 15 of 1989, Section 12 (w.e.f. 10-8-1989).

**[Himachal Pradesh]**.In its application to the State of Himachal Pradesh, in Section 6, after the figure 52 but before the sign . occurring at the end, insert , which is not the property of the Government, and the withdrawal of any charge made in respect of such property.H.P. Act 15 of 1991, Section 11 (w.e.f. 24-7-1991).

**[Maharashtra]**.In its application to the State of Maharashtra, in Section 61, for the words and figures seized under section 52, substitute seized under section 52 which is not the property of Government and the withdrawal of any charge made in respect of such property.Maharashtra Act 7 of 1985, Section 15 (w.e.f. 1-6-1985).

### Sections 61-A and 61-B

**[Uttaranchal]** .In its application to the State of Uttaranchal, after Section 61, insert the following section, 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. Uttaranchal Act 10 of 2002, Section 13.

### **Sections 61-A to 61-C**

**[Uttar Pradesh]** .In its application to the State of Uttar Pradesh,

(i) after Section 61, add the following section, namely:

*61-A. Summary eviction of persons convicted of certain offences.*(1) Where a Court convicts any person of an offence under clause (a), clause (d) or clause (h) of sub-section (1) of section 26 or clause (c) or clause (h) of sub-section (1) of section 33, it may, when passing judgment, direct the eviction of such person from any land in respect of which the offence has been committed.

(2) Any Court of appeal or revision may direct any order under sub-section (1) passed by a Court subordinate thereto to be stayed pending consideration by the former Court, and may modify, alter or annul such order. U.P. Act 23 of 1965, Section 14 (w.e.f. 23-11-1965).

(ii) after Section 61-A, insert the following sections, namely:

*61-B. 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-C. 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.U.P. Act 1 of 2001, Section 13 (w.e.f. 16-4-2001).

### **Sections 61-A to 61-G**

**[Goa]** .After Section 61, insert the following sections, namely:

*61-A. Confiscation by Forest Officer in certain cases.*(1) Notwithstanding anything contained in the foregoing provisions of this Chapter or any other law for the time being in force, where a forest-offence is believed to have been committed in respect of forest-produce which is the property of the Government, the officer seizing the property under sub-section (1) of section 52, shall, without any unreasonable delay, produce it, together with all tools, ropes, chains, boats, vehicles, carts and cattle used in committing such offence before an officer authorised by the Government in this behalf, by notification in the Official Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) When an authorised officer seizes under sub-section (1) of section 52, any forest-produce which is the property of the Government or any such property is produced before the authorised officer under sub-section (1) and once he is satisfied that a forest-offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest-offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles, carts, cattle and other contrivances used in the commission of such offence.

(3) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated property or any part thereof to be sold by public auction.

(4) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of such auction or other incidental expenses relating thereto, shall, where the

order of confiscation made under section 61-A is set aside or annulled by an order under section 61-C or 61-D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

*61-B. Issue of show-cause notice before confiscation under section 61-A.*(1) No order confiscating any forest-produce or tools, ropes, chains, boats, vehicles, carts, cattle or any contrivances shall be made under section 61-A except after notice in writing to the person from whom it was seized and considering his objection, if any:

Provided that, no order confiscating a motor vehicle shall be made except, after giving a notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order shall be made under section 61-A, if the owner of the tools, ropes, chains, boats, vehicles, carts, cattle or any other contrivance, proves to the satisfaction of the authorised officer that it was used in carrying forest-produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle, cart and cattle or any other contrivance and that each of them taken all reasonable and necessary precautions against such use.

*61-C. Revision.*Any Forest Officer not below the rank of Deputy Conservator of Forest specially empowered by the Government in this behalf, by notification in the Official Gazette, may, before the expiry of ninety days from the date of the order of the authorised officer under section 61-A, give notice and call for and examine the records of that order and may make such enquiry or cause such enquiry to be made and may pass such order as he deems fit:

Provided that, no such order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

*61-D. Appeal.*(1) Any person aggrieved by any order passed under section 41, section 61-A or section 61-C may within forty-five days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61-C, as the case may be, pass such order, as he may think fit, confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any Court of law.

*61-E. Order of confiscation or seizure not to interfere with the other punishment.*The order of any confiscation or seizure under section 41, 61-A or section 61-C or section 61-D shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

*61-F. Property confiscated when to vest in Government.*When in order for confiscation or seizure of any property has been passed under section 41, 61-A or 61-D such order has become final in respect of the whole or any portion of it or if it has been sold under sub-section (3) of section 61-A, the sale proceeds thereof, as the case may be, shall vest in the Government free from all encumbrances.

*61-G. Bar of jurisdiction in certain cases.*Whenever any forest-produce belonging to the Government together with any tool, rope, chain, boat, vehicle, cart, cattle or any other

contrivance used in committing any offence is seized under sub-section (1) of section 52, the authorised officer under section 61-A or the officer specially empowered under section 61-C or the Sessions Judge hearing an appeal under section 61-D have and, 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, any other officer, Court, tribunal or authority shall not have jurisdiction to make an order with regard to the custody, possession, delivery or distribution of such property. Goa Act 15 of 1989, Section 13 (w.e.f. 10-8-1989).

### **Sections 61-A to 61-G**

**[Gujarat]** .In its application to the State of Gujarat, after Section 61, insert the following sections, namely:

*61-A. Confiscation by Forest Officers in certain cases.*(1) Notwithstanding anything contained in the foregoing provisions of this Chapter or in 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 any unreasonable delay, produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the Official Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) Where the authorised officer seizes under sub-section (1) section 52 any forest produce which is the property of the State Government or where any such property is produced before the authorised officer under sub-section (1) and he is satisfied that a forest-offence has been committed in respect of such property, such authorised officer may whether or not a prosecution is instituted for the commission of such forest-offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.

(3)(a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses, relating thereto, shall, where the order of confiscation made under section 61-A is set aside or annulled by an order under section 61-C or 61-D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

*61-B. Issue to show cause notice before confiscation under section 61-A.*(1) No order confiscating any forest-produce or tools, ropes, chains, boats, vehicles or cattle shall be made under section 61-A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so, and considering objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope,

chain, boat, vehicle or cattle shall be made under section 61-A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying forest-produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle, and that each of them had taken all reasonable and necessary precautions against such use.

*61-C. Revision.* Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under section 61-A, *suo motu* call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and pass such orders as he deems fit:

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

*61-D. Appeal.* (1) Any person aggrieved by any order passed under section 61-A or section 61-C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61-C, as the case may be, pass such order, as he may think fit, confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any Court of law.

*61-E. Award of confiscation not to interfere with other punishment.* The award of any confiscation under section 61-A or 61-C or 61-D shall not prevent the infliction of any punishment which the person affected thereby is liable under this Act.

*61-F. Property confiscated when to vest in Government.* When an order for confiscation of any property has been passed under section 61-A or 61-C or 61-D and such order has become final in respect of the whole or any person of such property, such property or portion thereof or if it has been sold under sub-section (3) of section 61-A the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.

*61-G. Bar of jurisdiction in certain cases.* Wherever any forest-produce belonging to the State Government or any tool, rope, chain, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) of section 52, the authorised officer under section 61-A or the officer specially empowered under section 61-C or the Sessions Judge hearing an appeal under section 61-D shall have and, notwithstanding anything for the time being in force, any other officer, Court, tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property. Gujarat Act 19 of 1983, Section 9 (w.r.e.f. 24-5-1983).

### **Sections 61-A to 61-G**

**[Maharashtra].** In its application to the State of Maharashtra, after Section 61, insert the following sections, namely:

*61-A. Confiscation by Forest Officers of forest-produce when forest-offence is believed to have been committed.* (1) Notwithstanding anything contained in the foregoing provisions of this Chapter or any other law, where a forest-offence is believed to have been committed in respect of timber, sandalwood, firewood, charcoal or any other notified forest-produce which is



the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall, without any unreasonable delay, produce it, together with all tools, boats, vehicles and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the Official Gazette, not being an officer below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) the State Government may authorise one or more officers for any local area under sub-section (1).

(3) Where an Authorised Officer seizes under sub-section (1) of section 52 any timber, sandalwood, firewood, charcoal or any other notified forest-produce which is the property of the State Government or any such property is produced before an authorised officer under sub-section (1) and he is satisfied that a forest-offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest-offence, order confiscation of the property so seized together with all tools, boats, vehicles and cattle used in committing such offence.

(4)(a) Where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated property or any part thereof and the tools, boats, vehicles and cattle to be sold by public auction.

(b) Where any confiscated property or the tools, boats, vehicles and cattle are sold, as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto shall, where the order of confiscation made under this section is set aside or annulled by an order under section 61-C or 61-D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

*61-B. Issue of show cause notice before confiscation under section 61-A.*(1) No order confiscating any timber, sandalwood, firewood, charcoal or any other notified forest-produce, tools, boats, vehicles or cattle shall be made under section 61-A except after notice in writing to the person from whom it is seized and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, boat, vehicle or cattle shall be made under section 61-A if the owner of the tool, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, firewood, charcoal or any other notified forest-produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

*61-C. Revision.* Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may, *suo motu* call for and examine the record of the order of the authorised officer under section 61-A; and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit:

Provided that no such record shall be called for after the expiry of 30 days from the date of such order, and no order, under this section shall be passed if, in the meanwhile, an appeal has been filed under section 61-D against the order of the authorised officer:

Provided further that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

*61-D. Appeal.*(1) Any person aggrieved by any order passed under section 61-A or section 61-C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property and the tools, boats, vehicle, and cattle to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the authorised officer or the officer specially empowered under section 61-C, as the case may be, to be heard, pass such order, as he may think fit, confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any Court of law.

*61-E. Award of confiscation not to interfere with other punishments.*The award of any confiscation under section 61-A or section 61-C or section 61-D shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act or any other law for the time being in force.

*61-F. Property, etc., confiscated when to vest in Government.*When an order for confiscation of any property or any tools, boats, vehicles or cattle is passed under section 61-A or section 61-C or section 61-D and such order has become final in respect of the whole or any portion of such property, or tool, boat, vehicle or cattle, such property or portion thereof or tool, boat, vehicle or cattle or if it has been sold under clause (a) of sub-section (4) of section 61-A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.

*61-G. Bar of jurisdiction in certain cases.*Whenever any timber, sandalwood, firewood, charcoal or any other notified forest-produce which is the property of the State Government, together with any tool, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) of section 52, the authorised officer under section 61-A or the officer specially empowered under section 61-C or the Sessions Judge hearing an appeal under section 61-D shall have, and 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, in any officer, Court, tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property and any tool, boat, vehicle or cattle. Maharashtra Act 7 of 1985, Section 16 (w.ef. 1-6-1985).

**62. Punishment for wrongful seizure.**Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act 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.

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**[Goa]** .For Section 62, substitute the following section, namely:

*62. Punishment for wrongful seizure.*(1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to forfeiture under

this Act, shall on conviction be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed or any portion thereof shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure. Goa Act 15 of 1989, Section 14 (w.e.f. 10-8-1989) and Act 2 of 1990, Section 4 (w.e.f. 29-3-1990).

**[Madhya Pradesh].**(1) In Section 62, for the words extend to six months, or with fine which may extend to five hundred rupees, substitute extend to one year or with fine which may extend to one thousand rupees. M.P. Act 9 of 1965, Section 12 (w.e.f. 20-3-1965).

**[Maharashtra].**(1) Renumber Section 62 as sub-S. (1) thereof and,

(a) in sub-S. (1), as so renumbered, for the word confiscation, substitute confiscation or forfeiture;

(b) after sub-S. (1), as so renumbered, add the following sub-section, namely:

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure. Maharashtra Act 7 of 1985, Section 17 (w.e.f. 1-6-1985).

**63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.**Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code (45 of 1860)

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest Officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

## STATE AMENDMENTS ▼

**[West Bengal].**In its application to the State of West Bengal, in Section 63, for the words which may extend to two years, or with fine, or with both, substitute which shall not be less than three months but which may extend to three years and also with fine which shall not be less than five thousand rupees but which may extend to five thousand rupees. W.B. Act 22 of 1988, Section 18.

**64. Power to arrest without warrant.**(1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on

bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

#### STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat, in Section 64, sub-S. (1), for the words Any Forest Officer or Police Officer, substitute Any Forest Officer, Police Officer or Revenue Officer.Gujarat Act 15 of 1960, Section 6(h) (w.e.f. 8-12-1960).

**[Maharashtra].**Same as that of Gujarat.Maharashtra Act 6 of 1961, Section 10 (w.e.f. 3-2-1961).

**65. Power to release on a bond a person arrested.**Any Forest Officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police-station.

#### STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat, in Section 65, for the words a Ranger, substitute a Ranger, any Police Officer of a rank not inferior to that of Sub-Inspector or any Revenue Officer of a rank not inferior to that of a Mahalkari.Gujarat Act 15 of 1960, Section 6(i) (w.e.f. 8-12-1960).

**[Maharashtra].**In its application to the State of Maharashtra, in Section 65, (1) for the words a Ranger, substitute a Ranger, any Police Officer of a rank not inferior to that of Sub-Inspector or any Revenue Officer of a rank not inferior to that of Mahalkari or Tahsildar.Maharashtra Act 6 of 1961, Section 11 (w.e.f. 3-2-1961).

(2) for the words may release such person, substitute may, subject to and without prejudice to the provisions of section 65-A, release such person.Maharashtra Act 7 of 1985, Section 18 (w.e.f. 1-6-1985).

#### Section 65-A

**[Maharashtra]** .In its application to the State of Maharashtra, after Section 65, insert the following section, namely:

*65-A. Certain offences to be non-bailable.*Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973,

(a) The offences under sections or clauses of sections mentioned in clause (b) shall be non-bailable

(b) The sections and clauses of sections of this Act referred to in clause (a) are the following, namely:

section 26, clauses (a), (b), (f), (g) (h) and (i) of sub-section (1).

section 33, clauses (a), (b), (c), (d), (f) and (h) of sub-section (1).

section 42.

section 63.

(c) No person accused of any offence referred to in clause (b), shall, if in custody, be released on bail or on his own bond unless

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

(ii) where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence. Maharashtra Act 7 of 1985, Section 19 (w.e.f. 1-6-1985).

**[Uttaranchal].**In its application to the State of Uttaranchal, after Section 65, insert the following section, 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. Uttaranchal Act 10 of 2002, Section 14.

**[Uttar Pradesh].**Same as that of Uttaranchal. U.P. Act 1 of 2001, Section 14 (w.e.f. 16-4-2001).

**[West Bengal].**In its application to the State of West Bengal, after Section 65, insert the following section, 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:

(a) clause (a) or clause (h) or clause (f) or clause (g) or clause (h) or clause (i) of section 26, or

(b) clause (a) or clause (b) or clause (c) or clause (d) or clause (f) or clause (h) of sub-section (1) of section 33, or

(c) section 42, or

(d) section 63, shall be non-bailable.

(2) No person accused of any offence as aforesaid shall, if in custody, be released on application for release 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 offence. W.B. Act 22 of 1988, Section 19 (w.e.f. 3-2-1989).

**66. Power to prevent commission of offence.** Every Forest Officer and Police Officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

#### STATE AMENDMENTS ▼

**[Gujarat].** In its application to the State of Gujarat, in Section 66, for the words Every Forest Officer and Police Officer, substitute Every Forest Officer, Police Officer and Revenue Officer. Gujarat Act 15 of 1960, Section 6(j) (w.e.f. 8-12-1960).

**[Maharashtra].** Similar to Gujarat. Maharashtra Act 6 of 1961, Section 12 (w.e.f. 3-2-1961).

#### Section 66-A

**[Bihar].** In its application to the State of Bihar, after Section 66, insert the following section, namely:

*66-A. Eviction of encroachment from Government Forest Land.* (1) Encroachment of Government Forest Land shall be cognizable and non-bailable offence.

(2) Any Forest Officer not below the rank of Divisional Forest Officer, if he has reason to believe that the encroachment of Government Forest Land has been done, may evict the encroachment and may use all the powers conferred on Magistrate under the Bihar Public Land Encroachment Act, 1956. Bihar Act 9 of 1990, Section 7 (w.e.f. 10-9-1990).

**[Uttar Pradesh].** In its application to the State of Uttar Pradesh, after Section 65, insert the following section, namely:

*66-A. Penalty for not preventing commission of forest offence.* Whoever, being a Forest Officer or Police Officer, bound under section 66 to prevent commission of any forest offence, intentionally or knowingly, neglects or omits to prevent or abets, the commission of such offence, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both. U.P. Act 1 of 2001, Section 15 (w.e.f. 16-4-2001).

**[West Bengal].** In its application to the State of West Bengal, after Section 66, insert the following section, namely:

*66-A. Punishment of abetment.* (1) Whoever abets any offence punishable under this Act shall, if the offence abetted is committed in consequence of abetment, be punished with the same punishment as is provided for such offence.

(2) Whoever abets any offence under this Act shall, if the offence abetted is not committed in consequence of abetment, be punished with the same punishment as is provided for such offence, but such punishment shall extend up to the one-fourth of maximum punishment provided for such offence. W.B. Act 22 of 1988, Section 20 (w.e.f. 3-2-1989).

**67. Power to try offences summarily.** The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the [State Government] may try summarily, under the [Code of Criminal Procedure, 1898 (5 of 1898)], any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

#### STATE AMENDMENTS ▼

**[Bihar].** In its application to the State of Bihar, for Section 67, substitute the following section, namely:

67. Notwithstanding anything to the contrary contained either in the Criminal Procedure Code, 1973, or any other law for the time being in force, the State Government may, by notification

in the Official Gazette, constitute a special Court with powers of first class Magistrate for the trial of all forest-offences 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 as the case may be, in accordance with the procedure prescribed for summary trial under Chapter XXI of the Criminal Procedure Code, 1973. Bihar Act 9 of 1990, Section 8 (w.e.f. 10-9-1990).

**[Gujarat].** Same as that of (1) Maharashtra. Gujarat Act 15 of 1960, Sections 3, 4(2) (w.e.f. 8-12-1960).

**[Himachal Pradesh].** In its application to the State of Himachal Pradesh, in Section 67, for the words, brackets and figures the Code of Criminal Procedure, 1898 (5 of 1898), substitute the Code of Criminal Procedure, 1973 (2 of 1974). H.P. Act 15 of 1991, Section 12 (w.e.f. 24-7-1991).

**[Madhya Pradesh].** In its application to the State of Madhya Pradesh, in Section 67, for the words not exceeding six months or fine not exceeding five hundred rupees, substitute not exceeding one year or with fine not exceeding one thousand rupees. M.P. Act 9 of 1965, Section 13 (w.e.f. 20-3-1965).

**[Maharashtra].** In its application to the State of Maharashtra, in Section 67, (1) for the words the District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government, substitute any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court. Bombay Act 23 of 1951, Section 2 and Sch. (w.e.f. 5-7-1951) and Maharashtra Act 6 of 1961, Section 2 (w.e.f. 3-2-1961).

(2)(a) for the words and figures the Code of Criminal Procedure, 1898, substitute the Code of Criminal Procedure, 1973;

(b) for the words not exceeding six months, or fine not exceeding five hundred rupees or both, substitute not exceeding one year, or fine not exceeding two thousand rupees, or both, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial; but, notwithstanding anything contained in the said Code, in the case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass sentence of imprisonment for any term for which such offence is punishable under this Act. Maharashtra Act 7 of 1985, Section 20 (w.e.f. 1-6-1985).

**[Punjab, Haryana and Chandigarh].** In Section 67, for the words The District Magistrate.....State Government, substitute The Chief Judicial Magistrate or any other Judicial Magistrate of the first class specially empowered in this behalf by the High Court. Punjab Act 25 of 1964; Section 37 and Sch. IV, Part II (w.e.f. 2-10-1964) and Central Act 31 of 1966, Section 88.

**68. Power to compound offences.** (1) The [State Government] may, by notification in the Official Gazette, empower a Forest Officer

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

### STATE AMENDMENTS ▼

**[Bihar].**In its application to the State of Bihar, for Section 68, substitute the following section, namely:

68. (1) The State Government may, by notification in the Official Gazette, empower a Forest Officer

(a) To accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence other than an offence specified in clauses (c) and (d) to section 26, clauses (c) and (d) to section 33 or section 62 or section 63, sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) When any property has been seized as liable for confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both as the case may be, to such officer, the suspected person, in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of an Assistant Conservator of Forest. Bihar Act 9 of 1990, Section 9 (w.e.f. 10-9-1990).

**[Goa].**In Section 68,

(1) (i) in sub-S. (1), after the words and figures The State Government may, insert ,subject to such conditions as may be specified,;

(ii) in Cl. (a), for the words any forest-offence, substitute any forest-offence under this Act, and after the words a sum of money, insert not exceeding ten thousand rupees,;

(iii) in Cl. (b), for the words liable to confiscation, substitute liable to confiscation subject to provision of section 61-G;

(iv) in sub-S. (3), for the word fifty, substitute ten thousand. Goa Act 15 of 1989, Section 15 (w.e.f. 10-8-1989).

(2) In sub-S. (1),

(i) in Cl. (a), omit the words under this Act (as added by Gujarat Act 15 of 1989,



Section 15).

(ii) for Cl. (b), substitute the following clause, namely:

(b) when any property has been seized as liable to confiscation subject to the provision of section 61-G, to release the same on payment of the value thereof as estimated by such officer. Goa Act 2 of 1990, Section 5 (w.e.f. 29-3-1990).

**[Gujarat].** In its application to the State of Gujarat, for Section 68, substitute the following section, namely:

**68. Power to compound offences.** (1) The State Government may, by notification in the Official Gazette, empower a Forest Officer

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 62 or section 63, payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum of money, by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation \*[subject to section 61-G to release the same on payment of, or at his discretion, on acceptance of an undertaking in writing to pay, the value thereof as named by such officer.

(2) On the payment of, or on acceptance of an undertaking in writing to pay, such sum of money, or such named value, or both, as the case may be, to such an officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings, other than those under section 82 where necessary, shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger \*\*[\* \* \* \*] and the sum of money accepted or agreed to be accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of \*\*\*[two thousand rupees. Gujarat Act 15 of 1960, Section 6(k) (w.e.f. 8-12-1960) as amended by Gujarat Act 11 of 1976, Section 3 (w.e.f. 1-4-1976) and Gujarat Act 19 of 1983, Section 10 (w.e.f. 24-5-1983); \* inserted by Act 19 of 1983; \*\* words and is in receipt of monthly salary amounting to at least one hundred rupees, omitted by Act 11 of 1976; \*\*\* substituted for five hundred rupees, *ibid*.

**[Madhya Pradesh].** In its application to the State of Madhya Pradesh, in Section 68, sub-S. (3), for the words two hundred rupees, substitute five hundred rupees. M.P. Act 9 of 1965, Section 14 (w.e.f. 20-9-1965).

**[Maharashtra].** Same as Gujarat (before amendment by Gujarat Acts 11 of 1976 and 19 of 1983), except that in sub-S. (1), before the words The State Government, insert Subject to the provision of sub-section (3). Maharashtra Act 6 of 1961, Section 13 (w.e.f. 3-2-1961).

**[Punjab, Haryana and Chandigarh].** In Section 68, sub-S. (3), for the word fifty, substitute five hundred. Punjab Act 13 of 1962, and Central Act 31 of 1966, Section 88, Section 5 (w.e.f. 10-7-1962).

**[Tripura].** In Section 68, sub-S. (3), for the words one hundred rupees and fifty rupees, substitute one thousand five hundred rupees and five thousand rupees, respectively. Forest (Tripura Third Amendment) Act, 1990, Section 3 (w.e.f. 20-6-1991).

**[Uttaranchal]**.In its application to the State of Uttaranchal, in Section 68, in sub-S. (3),  
(i) the words and is in receipt of a monthly salary amounting to at least one hundred rupees shall be omitted;  
(ii) for the words fifty rupees, substitute 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.Uttaranchal Act 10 of 2002, Section 15.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh,  
(i) in Section 68, sub-S. (3), for the word fifty, substitute five hundred.U.P. Act 21 of 1960, Section 8 (w.e.f. 23-11-1960).  
(ii) the word and is in receipt of a monthly salary amounting to at least one hundred rupees shall be omitted;  
(iii) for the words five hundred rupees, substitute five thousand rupees for the first offence and for second and subsequent offence of the same nature shall not be less than five thousand rupees or more than ten thousand rupees.U.P. Act 1 of 2001, Section 16 (w.e.f. 16-4-2001).

**[West Bengal]**.In its application to the State of West Bengal, in Section 68,  
(1) in sub-S. (1), for the words the value thereof, substitute an amount equivalent to double the market value thereof;  
(2) in sub-S. (2), for the words or such value, substitute or such amount;  
(3) for sub-S. (3), substitute the following sub-section, namely:  
(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Forester, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of one thousand one hundred and fifty rupees.W.B. Act 14 of 1975, Section 3 (w.e.f. 6-5-1975).  
(4) after sub-S. (3), insert the following sub-section, namely:  
(4) Notwithstanding anything contained in the foregoing provisions of this section, no forest-offence, other than a forest-offence under section 62 or section 63, shall be compounded by a Forest Officer if the value of the forest-produce seized exceeds five thousand rupees or if a cart or other vehicle has been used in committing the offence.W.B. Act 22 of 1988, Section 21 (w.e.f. 3-2-1989).

**69. Presumption that forest-produce belongs to Government.**When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

## CHAPTER X

### *Cattle-Trespass*

**70. Cattle-trespass Act, 1871, to apply.**Cattle-trespassing in a reserve forest or in any portion of a protected forest which has been lawfully closed

to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by any Forest Officer or Police Officer.

**71. Power to alter fines fixed under that Act.**The [State Government] may, by notification in the Official Gazette, direct that, in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act, such fines as it thinks fit, but not exceeding the following, that is to say:

For each elephant ten rupees,

For each buffalo or camel two rupees,

For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer one rupee,

For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid eight annas.

#### STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat, in Section 71, for the words eight annas, substitute fifty naye paise.Gujarat Act 15 of 1960, Section 6(1) (w.e.f. 8-12-1960).

**[Maharashtra].**Same as that of Gujarat.Maharashtra Act 6 of 1961, Section 14 (w.e.f. 3-2-1961).

**[West Bengal].**In its application to the State of West Bengal, in Section 71, for the words ten rupees, two rupees, one rupee and eight annas, substitute fifty rupees, five rupees, three rupees and one rupee, respectively.W.B. Act 14 of 1975, Section 4 (w.e.f. 6-5-1975).

## CHAPTER XI

### *Of Forest Officers*

**72. [State Government] may invest Forest Officers with certain powers.**(1) The [State Government] may invest any Forest Officer with all or any of the following powers, that is to say:

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;
- (c) power to issue a search-warrant under the [Code of Criminal Procedure, 1898 (5 of 1898)]; and
- (d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

#### STATE AMENDMENTS ▼

**[Maharashtra]** .In its application to the State of Maharashtra, in Section 72, sub-S. (1), Cl. (c), for the words and figures the Code of Criminal Procedure, 1898, substitute the Code of Criminal Procedure, 1973.Maharashtra Act 7 of 1985, Section 21 (w.e.f. 1-6-1985).

**73. Forest Officers deemed public servants.**All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

**74. 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.

## STATE AMENDMENTS ▼

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, for Section 74, substitute the following section, namely:

*74. Indemnity for acts done in good faith.*No suit, prosecution or other legal proceeding shall lie against any public servant for anything done in good faith or omitted to be done likewise, under this Act or the rules or orders made thereunder..M.P. Act 25 of 1983, Section 8 (w.e.f. 1-11-1983).

**[Uttaranchal]**.In its application to the State of Uttaranchal, for Section 74, substitute the following section, namely:

*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.Uttaranchal Act 10 of 2002, Section 16.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Section 74, substitute the following section, namely:

*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 which is in good faith done or intended to be done in pursuance of this Act or rules or orders made thereunder.U.P. Act 1 of 2001, Section 17 (w.e.f. 16-4-2001).

**[West Bengal]**.In its application to the State of West Bengal, for Section 74, substitute the following section, namely,

*74. Indemnity for acts done in good faith.*(1) No suit or criminal prosecution or other legal proceeding shall lie against any public servant for anything done by him in good faith under this Act.

(2) No Court shall take cognizance of any offence alleged to have been committed by a Forest Officer while acting or purporting to act in the discharge of his official duty except with previous sanction of the State Government.W.B. Act 22 of 1988, Section 22 (w.e.f. 3-2-1989).

**75. Forest Officers not to trade.**Except with the permission in writing of the [State Government], no Forest Officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside [the territories to which this Act extends.]

## CHAPTER XII

### Subsidiary Rules

**76. Additional powers to make rules.**The State Government may make rules

- (a) to prescribe and limit the powers and duties of any Forest Officer under this Act;
- (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and
- (d) generally, to carry out the provisions of this Act.

#### STATE AMENDMENTS ▼

**[Punjab, Haryana and Chandigarh].**In Section 76, Cl. (c), between the word timber and belonging, insert the words or other forest-produce and omit the words but grown on lands belonging to or in the occupation of private persons.Punjab Act 20 of 1954, Section 2 and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).

**77. Penalties for breach of rules.**Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

#### STATE AMENDMENTS ▼

**[Madhya Pradesh].**In its application to the State of Madhya Pradesh, in Section 77, for the words extend to one month, or fine which may extend to five hundred rupees, substitute extend to six months, or with fine which may extend to one thousand rupees.M.P. Act 9 of 1965, Section 15 (w.e.f. 20-3-1965).

**[Uttaranchal].**In its application to the State of Uttaranchal, in Section 77, for the words one month, or fine which may extend to five hundred rupees, substitute one year, or with fine which may extend to two thousand rupees.Uttaranchal Act 10 of 2002, Section 17.

**[Uttar Pradesh] .**In its application to the State of Uttar Pradesh, in Section 77, for the words one month, or fine which may extend to five hundred rupees, substitute one year, or with fine which may extend to two thousand rupees.U.P. Act 1 of 2001, Section 18 (w.e.f. 16-4-2001).

**78. Rules when to have force of law.**All rules made by the [State Government] under this Act shall be published in the Official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

#### STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat, Section 78 shall be renumbered as sub-S. (1) thereof and after sub-S. (1), as so renumbered, the following sub-S. (2) shall be inserted, namely:

(2) All rules made by the State Government under this Act shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.Gujarat Act 15 of 1960, Section 6(m)

(w.e.f. 8-12-1960).

**[Maharashtra]**.In its application to the State of Maharashtra, Section 78 shall be re-numbered as sub-S. (1) thereof and after sub-S. (1), as so renumbered, the following sub-S. (2) shall be inserted, namely:

(2) All rules made by the State Government under this Act shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following and publish in the Official Gazette.Maharashtra Act 6 of 1961, Section 15 (w.e.f. 3-2-1961).

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Section 78, substitute the following section, namely:

*78. Further provisions regarding rules.*(1) All rules under this Act shall be made by notification in the Gazette.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.U.P. Act 23 of 1965, Section 15 (w.e.f. 23-11-1965).

## CHAPTER XIII

### Miscellaneous

**79. Persons bound to assist Forest Officers and Police Officers.**[(1)] Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the [Government], or who receives emoluments from the [Government] for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forth with take steps, whether so required by any Forest Officer or Police Officer or not,

- (a) to extinguish any forest fire in such forest of which he has knowledge or information;
- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest, and shall assist any Forest Officer or Police Officer demanding his aid

- (c) in preventing the commission in such forest of any forest-offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

[(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails

- (a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1);
- (b) to take steps as required by sub-section (1), to extinguish any forest fire in a reserved or protected forest;
- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or
- (d) to assist any Forest Officer or Police Officer demanding his aid in preventing the Commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.]

## STATE AMENDMENTS ▼

**[Bihar]** .In its application to the State of Bihar, Section 79, sub-S. (2) of the said Act, for the words shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, substitute the following, namely:

shall 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. Bihar Act 9 of 1990, Section 10 (w.e.f. 10-9-1990).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, in Section 79, sub-S. (2), for the words extend to one month, or with fine which may extend to two hundred rupees, substitute extend to six months or with fine which may extend to one thousand rupees. M.P. Act 9 of 1965, Section 16 (w.e.f. 20-3-1965).

**[Uttaranchal]**.In its application to the State of Uttaranchal, in Section 79, sub-S. (2), for the words one month, or with fine which may extend to two hundred rupees, substitute one year, or with fine which may extend to one thousand rupees. Uttaranchal Act 10 of 2002, Section 18.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, in Section 79, sub-S. (2), for the words one month, or with fine which may extend to two hundred rupees, substitute one year, or with fine which may extend to one thousand rupees. U.P. Act 1 of 2001, Section 19 (w.e.f. 16-4-2001).

**80. Management of forests, the joint property of Government and other persons.**(1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the [State Government] may either

- (a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or
- (b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the [State Government] undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

### **Section 80-A**

#### **STATE AMENDMENTS ▼**

**[Gujarat]** .After Section 80, insert the following new section, namely:

*80-A. Power of Government to apply provisions of this Act to certain lands of Government or local authority.*The State Government may, by notification in the Official Gazette, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.Gujarat Act 15 of 1960, Sections 3 and 4(2) (w.e.f. 8-12-1960).

**[Madhya Pradesh]**.In its application to the State of Madhya Pradesh, after Section 80, insert the following new sections, namely:

*80-A. Penalty for unauthorisedly taking possession of land constituted as reserved or protected forest.*(1) Any person who unauthorisedly takes or remains in possession of any land in areas constituted as reserved or protected forest under section 20 or section 29, as the case may be, without prejudice to any action that may be taken against him under any other provision of this Act, be summarily ejected by order of a Forest Officer not below the rank of Divisional Forest Officer and any crop which may be standing on such land or any building or other work which he may have constructed thereon, if not removed by him within such time as such Forest Officer may fix shall be liable to forfeiture:

Provided that no order of ejection under this sub-section shall be passed unless the person proposed to be ejected is given a reasonable opportunity of showing cause why such an order should not be passed.

(2) Any property so forfeited shall be disposed of in such manner as the Forest Officer may direct and the cost of removal of any crop, building or other work and of all works necessary to restore the land to its original condition shall be recoverable from such person in the manner provided in section 82.

(3) Any person aggrieved by an order of the Forest Officer under sub-section (1) may, within such period and in such manner as may be prescribed, appeal against such order to the State Government 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.

(4) The provisions of this section shall apply to such areas and on such dates as the State Government may, by notification, specify and different dates may be specified for different areas.M.P. Act 9 of 1965, Section 7 (w.e.f. 20-3-1965).



**[Maharashtra]**.Same as that of Gujarat.Bombay Act 24 of 1955, Section 6 (w.e.f. 22-6-1955) and Maharashtra Act 6 of 1961, Section 2 (w.e.f. 3-2-1961).

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, after Section 80, add the following new section, namely:

80-A. The State Government may, by notification in the Official Gazette, declare that any of the provisions, of or under this Act, shall apply to all or any land on the banks of canals or the sides of roads which are the property of the State Government or a local authority, and thereupon such provisions shall apply accordingly.U.P. Act 18 of 1951, Section 2 (w.e.f. 6-10-1951).

**81. Failure to perform service for which a share in produce of Government forest is enjoyed.**If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the [State Government] that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the [State Government].

**82. Recovery of money due to Government.**All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, 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.

## STATE AMENDMENTS ▼

**[Gujarat]**.In its application to the State of Gujarat, in Section 82, after the words such produce, insert or on account of compensation or value of property undertaken to be paid under section 68.Gujarat Act 15 of 1960, Section 6(n) (w.e.f. 8-12-1960).

**[Haryana]**.In its application to the State of Haryana, for Section 82, substitute the following section, namely:

82. *Recovery of money due to Government.*All money, other than fines, payable to the State Government under this Act or under any rules made thereunder, or, on account of timber or other forest-produce, or under any contract relating to timber and other forest-produce including any sum recoverable thereunder for the breach thereof, or in consequence of its cancellation, or under the terms of the conditions of sale of timber or other forest produce by auction or by invitation of tenders 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.Haryana Act 12 of 1973, Section 2 (w.e.f. 27-4-1973).

**[Himachal Pradesh]**.In its application to the State of Himachal Pradesh, for Section 82, substitute the following section, namely:

*82. Recovery of money due to Government.*(1) All money payable to the State Government under this Act or under any rule made under this Act, or on account of the price of timber, or other forest-produce, or of expenses incurred in execution of this Act in respect of timber and other forest-produce, or under any contract relating to timber and other forest-produce 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 timber, 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.

(2) For the removal of doubts, it is hereby declared that the provisions of sub-section (1) shall also apply to all cases of recovery which are either pending at all commencement of the Indian Forest (Himachal Pradesh Amendment) Act, 1968, or initiated thereafter in respect of contracts entered into prior to such commencement, any judgment, decree or order of any Court to the contrary notwithstanding.H.P. Act 25 of 1968, Section 5 (w.e.f. 17-2-1969).

**[Madhya Pradesh]** .In its application to the State of Madhya Pradesh, for Section 82, substitute the following section, namely:

*82.* All money other than fines, payable to the State Government under this Act, or under any rules made thereunder or on account of timber or other forest-produce, or under any contract relating to timber and other forest-produce 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 timber 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.Madhya Pradesh Act 9 of 1965, Section 18 (w.e.f. 20-3-1965).

**[Maharashtra]**.In its application to the State of Maharashtra, in Section 82, after the words such produce, insert or on account of compensation or value of property agreed to be paid under section 68.Maharashtra Act 6 of 1961, Section 16 (w.e.f. 3-2-1961).

**[Uttaranchal]**.In its application to the State of Uttaranchal, for Section 82, substitute the following section, namely:

*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.Uttaranchal Act 10 of 2002, Section 19.

**[Uttar Pradesh]**.In its application to the State of Uttar Pradesh, for Section 82, substitute the following section, namely:

*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 scum 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.U.P. Act 1 of 2001, Section 20 (w.e.f. 16-4-2001).

**83. Lien of forest-produce for such money.**(1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to [Government].

**84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894.**Whenever it appears to the [State Government] that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894 (1 of 1894).

#### **Section 84-A**

#### **STATE AMENDMENTS ▼**

**[Himachal Pradesh].**In its application to the State of Himachal Pradesh, after Section 84, insert the following new section, namely:

*84-A. Validity of settlements, etc., of covenanting States.*For the removal of doubts, it is hereby declared that every settlement or arrangement made before the 20th August, 1948, under the authority of any covenanting State forming part of the territories referred to in sub-section (2-A) of section 1, with respect to any claims or rights of any person admitted by the Government of that State to be in existence in any of the forests or waste-lands which were the property of that Government or over which that Government had proprietary rights or to the whole or part of the forest-produce of which the Government was entitled, shall be deemed to be a settlement of the claims and rights duly inquired into and admitted for the purposes of this Act and shall be deemed always to have been so inquired and admitted for the purposes of the Patiala Forest Act, 1999-Bk., and it shall not be, and shall be deemed never to have been, necessary to determine the rights of persons in accordance with Chapters II and IV, as the case may be, for declaring any forest or waste-land to be a reserved or protected forest or a first or second class forest.H.P. Act 25 of 1968, Section 6 (w.e.f. 27-2-1969).

**[Punjab, Haryana and Chandigarh].**Same as in Himachal Pradesh.Punjab Act 13 of 1962, Section 6 (w.e.f. 10-7-1962) and Central Act 31 of 1966, Section 88 (w.e.f. 1-11-1966).

**[West Bengal].**In its application to the State of West Bengal, after Section 84, insert the

following new section, namely:

**84-A. Application of the Act to land.**The State Government may, by notification in the Official Gazette, declare that any of the provisions of this Act shall apply to any land which is the property of the State Government or the Central Government, and thereupon such provisions shall apply to such land accordingly.W.B. Act 22 of 1988, Section 23 (w.e.f. 3-2-1989).

**85. Recovery of penalties due under bond.**When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in the case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), be recovered from him in case of such breach as if it were an arrear of land-revenue.

## STATE AMENDMENTS ▼

**[Gujarat].**In its application to the State of Gujarat, Section 85 shall be renumbered as sub-S. (1) thereof, and after sub-S. (1), as so renumbered, add the following as sub-S. (2), namely:

(2) If any question arises

- (a) whether there has been a breach of any of the conditions of such bond or instrument,
- (b) as to the sum to be paid for such breach,
- (c) as to the person or persons liable to pay such sum, the question shall be referred to and, after giving notice to the person concerned and after considering his objection (if any) be decided by an officer, not below the rank of a Sub-Divisional Forest Officer, authorised by the State Government in this behalf. The person aggrieved by the decision of such officer may, within a period of sixty days from the date of such decision, appeal to the State Government or such other appellate authority as the State Government may appoint in this behalf. The decision of such officer, subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.Gujarat Act 15 of 1960, Sections 3, 4(2) (8-12-1960).

**[Maharashtra].**Same as that of Gujarat.Bombay Acts 10 of 1956, Section 2 (w.e.f. 14-3-1956) and 26 of 1957, Section 2 (w.e.f. 23-8-1957) and Maharashtra Act 6 of 1961, Section 2 (w.e.f. 3-2-1961).

**[85-A. Saving for rights of Central Government.**Nothing in this Act shall authorize a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.]

**86. Repeals.**[*Repealed by the Repealing and Amending Act, 1948 (2 of 1948), section 2 and Schedule.*

## The Schedule

### Enactments Repealed

*[Repealed by the Repealing and Amending Act, 1948 (2 of 1948), section 2 and Schedule.]*