THE INDIAN FOREST ACT, 1927

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THE INDIAN FOREST ACT, 1927

ACT NO. 16 OF 1927[1]

[21*st September*, 1927.]

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:—

CHAPTER I

PRELIMINARY

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

[2][(*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[3] in the whole or any specified part of that State to which this Act extends and where it is not in force.]

STATE AMENDMENT

Maharashtra

Amendment of section 1 of Act XVI of 1927.—In section 1 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the whole of the State of Maharashtra as provided by section 2 (hereinafter referred to as "the principal Act"),--

(i) to sub-section (2), after the words and letter "Part B States", the words "other than the Hyderabad area of the State of Maharashtra" shall be added;

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

1. This Act has been amended in its application to:—
(*1*) Madhya Pradesh by Madhya Pradesh Acts 26 of 1950 and 20 of 1954 ;
(*2*) Uttar Pradesh by U.P. Acts 18 of 1951, 5 of 1956, 21 of 1960, 11 of 1973 and 13 of 1976 ;
(3) Orissa by Orissa Act 25 of 1952, 11 of 1954, 27 of 1959 and 14 of 1972 ;
(*4*) West Bengal by Bengal Act 11 of 1945, s. 63, West Bengal Acts 14 of 1948 and 14 of 1975 ;
(*5*) East Punjab by East Punjab Act 7 of 1948 ;
(*6*) Haryana by Haryana Acts 12 of 1973 and 31 of 1973 ;
(*7*) Maharashtra by Maharasthra Acts 6 of 1961 and 27 of 1968 ;
(*8*) Gujarat by Gujarat Act 14 of 1973 ; and
(*9*) Certain parts of Mysore by Mysore Act 10 of 1958:

2. Subs. by the A.O. (No. 3) 1956, for sub-sections (*2*) and (*3*).

3. This Act has been declared to be in` force in the Khondmals District by the Khondmals laws regulations, 1936 (4 of 1936), s. 3 and the Schedule.; and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), and the Schedule. This Act has been extended in its application to:—
(*1*) Berar (partially) by the Berar Laws Act, 1941 (4 of 1941);
(*2*) The Province of Coorg, see Coorg Gazette, 1930, Pt. I, p. 94;
(*3*) The Delhi Province *see* Gazette of India, 1933, Pt. II-A, p. 293;
(*4*) The whole of Madhya Pradesh by Madhya Pradesh Act 23 of 1958 (when notified);
(*5*) Dadra and Nagar Haveli (w.e.t. 1-7-1965) by Reg. 6 of 1963, s. 2 and the First Schedule;
(*6*) Pondicherry on 1-10-1963: vide Reg. 7 of 1963, s. 3 and the First Schedule;
(*7*) Goa, Darman and Diu by Reg. 11 of 1963, s. 3 and the Schedule (w.e.f. 1-2-1965); and
(*8*) the whole of the Union territory of Lakshadweep (w.e.f. 1-10-1967): *vide* Reg. 8 of 1965, s. 3 and the Schedule. The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955.
(*9*) Extended to the Union territory of Jammu and Kashmir and Union territory of Ladakh by Act 34 of 2019, s. 95 and the Fifth Schedule (31-10-2019).

"Provided that, on the commencement of the Indian Forest (Maharashtra Unification and Amendment) Act, 1960 (Mah. VI of 1961), this Act shall be in force in the Hyderabad area of the State of Maharashtra."

[*Vide* Maharashtra Act VI of 1961, s. 3]

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;

(*2*) "Forest-officer" means any person whom [1]*** the [2][State Government] or any officer empowered by [4]*** the [5][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;

(*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 [3][, 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 or produce of animals, and

(*iv*) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);

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

(*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, [5]***, stumps, brush-wood and canes.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

(*i*) Section 2.–for clause (1), the following clauses shall be substituted, namely:–

(1) "**authorised officer"** means an officer authorized under sub-section (2) of section 52;

(1A) "**cattle"** include elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, ram, ewes, sheep, lambs, goats and kids;

1. The words "the G.G. in C. or" rep. by the A.O. 1937.

2. Subs. by the A.O. 1950, for "Provincial Government".

3. Ins. by Act 26 of 1930, s. 2.

4. Ins. by Act 3 of 1933, s. 2.

5. The word "bamboos" omitted by Act 5 of 2018, s. 2 (w.e.f. 23-11-2017).

(1B) "**forest based industry"** means an industry or unit in which any forest produce is used as raw material or as a source of energy.

(*ii*) for clause (4), the following clause shall be substituted, namely:–

(4) "**forest-produce"** includes—

(*a*) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, kuth, myrobalans, dioscorea, firewood, humus, rasaunt, morels (Morchella spp), Aconitum spp, Podophyllum spp, Picrorhizaspp, Trillium spp, Nardostachys spp, Taxus spp, Valerianassp, Rheum spp, wild animals, skins, tusks, horns, bones and all other parts or produce of wild animals whether found in, or brought from, a forest or not; and

(*b*) the following when found in, or brought from, a forest, namely:—

(*i*) trees and leaves, flowers and fruits, roots and all other parts or produce of trees not specified in clause (*a*);

(*ii*) plants not being trees (including grass, bamboos, creepers, reeds and moss and lichen), and all parts or produce of such plants;

(*iii*) silk, cocoons, honey and wax; and

(*iv*) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries).

(*iii*) after clause (5), insert the following clause, namely:-

(5A) "saw mill" means any plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which sawing is carried on with the aid of electrical or mechanical power.

(*iv*) after clause (6), insert the following clause, namely:-

(6A) "transporter" includes a person, a private agency, a Government Department, Corporation or any other agency engaged in transport of forest produce whether on his own or on behalf of any other person;

(*v*) after clause (7), insert the following clause;

(8) "wild animal" shall have the same meaning as assigned to it in the Wild Life (Protection) Act, 1972.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Tripura.—

Amendment of section 2. —In section 2 of the principal Act,—

(*a*) In clause (*4*)**—**

(*i*) in sub-clause (*a*), for the words "and myrobolams", the words "myrobolams, gum, sal seeds, sal leaves, kendu leaves, wild animals, skins, tusks, horns and bones, and all other parts of produce of wild animals" shall be substituted ;

(*ii*) in sub-clause (*b*), in item (*iii*), the words "Wild animals and skins tusks, horns and bones" and the words "and all other parts or produce of animals" shall be omitted;

(*b*) after clause (7), the following clause shall be inserted namely:—

"(8) wild animals shall have same meaning as defined in the Wild Life (Protection) Act, 1972.]

[*Vide* the Tripura Act 10 of 1984, s. 3]

Uttar Pradesh

Amendment of section 2 of Act no. XVI of 1927.—In section 2 of the Indian Forest Act, 1927, hereinafter referred to as the principal Act, for clause (1) the following clause shall be substituted, namely:—

"(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;"

[*Vide* Uttar Pradesh Act 1 of 2001, s. 2]

Uttarakhand

Amendment of section 2 of Act no. XVI of 1927.—In section 2 of Indian Forest Act, 1927, hereinafter referred to as the principal Act, the following clause shall be inserted, namely:-

2-A. "authorised officer" means an officer authorised under sub-section (1) of section 52-A.

[*Vide* Uttaranchal Act 10 of 2002, s. 2]

Maharashtra

Amendment of section 2 of Act XVI of 1927.—In section 2 of the Indian Forest Act, 1927, in sub-clause (4), after the words "tamborni leaves" the words "rosha grass, rauwolfia serpentine" shall be inserted.

[*Vide* Bombay Act XVII of 1956, s. 2]

Amendment of section 2 of Act XVI of 1927.—In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (a) of clause (4), after the word "kuth" the words ", apta and temburni leaves" shall be inserted.

[*Vide* Bombay Act XXIV of 1955, s. 2]

Amendment of section 2 of Act XVI of 1927.—In section 2 of the Indian Forest Act, 1927, in its application to the State of Maharashtra, in sub-clause (a) of clause (4), for the words ", rosha grans, rauwolfia serpentine" the words "rosha grass including oil derived therefrom, ranwolfia serpentine" shall be substituted.

[*Vide* Maharashtra Act XXVII of 1968, s. 2]

Amendment of section 2 of Act XVI of 1927.—In section 2 of the principal act, after clause (4A), the following clauses shall be inserted, namely:--

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

(4C) 'Revenue Officer' means a Revenue Officer as defined in the Bombay Land Revenue Code, 1879, or where that Code is not in force, as defined in a law corresponding to that Code;

[*Vide* Maharashtra Act VI of 1961, s. 4]

Insertion of new section 2A in Act XVI of 1927.—After section 2 of the principal Act, the following section shall be inserted, namely:--

"2A. Construction of certain references to Central or Bombay Acts.-In the application of this Act to any area of the State of Maharashtra other than the Bombay area thereof, 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."

[*Vide* Maharashtra Act VI of 1961, s. 5]

Maharashtra

Amendment of section 2 of Act XVI of 1927.—In section 2 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), of In clause (4C), for the words and figures "the Bombay Land Revenue Code, 1879 (Bom. V of 1879), or, where that Code is not in force, as defined in a law corresponding to that Code;" the words and figures "the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966)" shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 2]

CHAPTER II

OF RESERVED FORESTS

3. Power to reserve forests.—The [1][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 AMENDMENT

Uttar Pradesh

Substitution of new section for section 3 of Act XVI of 1927.—For section 3 of the Indian Forest Act, 1927 (hereinafter called the principal Act), the following shall be substituted namely-

"Powers to reserve forests.—The State Government may constitute any forest 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."

[*Vide* Uttar Pradesh Act, XXIII of 1965, s. 2]

4. Notification by [1][State Government].—(*1*) Whenever it has been decided to constitute any land a reserved forest, the [1][State Government] shall issue a notification in the [2][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 [1][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.

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 [1][State Government] in this behalf.

STATE AMENDMENT

Uttar Pradesh

Substitution of new section for section 5.—For section 5 of the principal Act, the following shall be substituted, namely-

"5. Bar of accrual offorest rights.—After the issue of a notification under section 4, no right shall beacquired 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 thenotification 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 tripped 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."

[*Vide* Uttar Pradesh Act XXVIII of 1965, s. 3]

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 proclamation, 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 [1][State Government] may make an order permitting or prohibiting the practice wholly or in part.

1. Subs. by the A.O. 1950, for "Provincial Government".

(*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 [1][State Government].

(*5*) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the [1][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 watercourse, 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 AMENDMENT

Uttar Pradesh

Amendment of section 11.—In section 11 of the principal Act, after sub-section (3), the following new sub-section shall be added, 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."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 4]

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 AMENDMENT

Maharashtra

Amendment of section 12 of Act XVI of 1927.—Section 12 shall be renumbered as sub-section (1) of that section, and after the sub-section so renumbered, the following sub-section shall be inserted, namely :-

1. Subs. by the A.O. 1950, for "Provincial Government".

"(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.".

[*Vide* Maharashtra Act VI of 1961, s. 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, father's 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 at; 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 [1][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 [1][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 [1][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 [1][State Government] may, by notification in the [2][Official Gazette], appoint to hear appeals from such orders:

Provided that the [1][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 AMENDMENT

Uttar Pradesh

Substitution of new section for section 17.—For section 17 of the principal Act, the following shall be substituted, namely—

"**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 in 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 Districts Judge to whom an appeal is transferred by the District Judge."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 5]

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 [1][State Government], be final.

STATE AMENDMENT

Uttar Pradesh

Substitution of new section for section 18.—For section 18 of the principal Act, the following shall be substituted, namely—

"18. Appeal under section 17. —(1)Every appeal under section 17 shall be made by or 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 direction 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."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 6]

19. Pleaders.—The [1][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.

1. Subs. by the A.O. 1950, for "Provincial Government".

STATE AMENDMENT

Uttar Pradesh

Substitution of new section for section 19.—For section 19 of the principal Act, the following shall be substituted, 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."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 7]

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 [1][State Government] shall publish a notification in the [2][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

Jammu and Kashmir and Ladakh (UTs).—

Section 20A.– After section 20, insert the following section–

20A. Demarcated forests deemed to be reserved forests.– (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any forest which has been notified as a demarcated forest

under the erstwhile Jammu and Kashmir Forest Act, 1987 (1930 A.D.), prior to the appointed day notified under the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019), shall be deemed to be a reserved forest under this Act.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as demarcated forests shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to reserved forests shall apply to forest to which the provision of sub-section (*1*) are applicable.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Orissa

Insertion of new section after section 20, (16 of 1927).—After section 20 of the Indian Forest Act, 1927 (16 of 1927) (hereinafter referred to as the said Act), the following new section shall be inserted, namely:—

20-A. Forest land or waste land deemed to be reserved forests.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, any forest land or waste land in the merged territories, which had been recognized by the Ruler or any merged State immediately before the date of merger as a reserved forest in pursuance or any law, custom, rule, regulation, order or notification for the time being in force or which has been dealt with as such in any administration report or in accordance with any working plan, or register maintained and 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, application to the area in question any law, custom, rule, regulation, order or notification mentioned in sub-section (1) shall, anything in law to the contrary notwithstanding, be deemed to be validly in force as if he 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 recognized, maintained or acted upon thereafter.

(4) Forests recognized in the merged territories as khesra forests, village forests or protected forests, or forests other than reserved forests, by whatever name designed 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 lay-outs 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.".

[*Vide* the Orissa Act 11 of 1954, s. 2]

Uttar Pradesh

Amendment of section 20.—For clause (b) of sub-section (1) of section 20 of the principal Act, the following shall be substituted, 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 of by the District Judge; and".

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 8]

Addition of new section 20-A— After section 20 of the principal Act, the following new section shall beadded,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 U.P. 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) awas deemed to be a reserved forest under any enactment in force in that State, or

(b) was recognized or declared by the Ruler of such State as 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 as 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 layouts prepared, for the purpose of carrying out the operations in the 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(I) 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 rights 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 recognized 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 references 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 documents referred to in sub-section (1).

(5) Without prejudice to any action that may be or may have been taken for ejectment, 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 authorize 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."

[*Vide* Uttar Pradesh Act XXIII of 1965,s. 9]

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 1[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.

1. Subs. by the A.O. 1950, for "Provincial Government".

STATE AMENDMENT

Uttar Pradesh

Insertion of a new section 22-A in Act 16 of 1927.—After Section 22 as amended in its application to Uttar Pradesh, hereinafter referred to as the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from November 23, 1960, 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."

[*Vide* Uttar Pradesh Act 11 of 1973, s. 2]

Substitution of new section for section 22.—For section 22 of the principal Act, the following shall be substituted, 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 any order made under section 15 or section 18, and direct that any 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."

[*Vide* Uttar Pradesh Act XXIII of 1965,s. 10]

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 1[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 1[State Government]:

Provided that, when any such right is appendant 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 watercourses in reserved forests.—The Forest-officer may, with the previous sanction of the [1][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 [1][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 1[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—

1. Subs. the A.O. 1950, for "Crown".

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

[1][* * * *]

(*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 [2][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.

[3][(1A) Any person who, in a reserved forest—

(*a*) trespasses or pastures cattle, or permits cattle to trespass shall be liable to penalty which may extend to five hundred rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68;

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber shall be liable to penalty which may extend to five thousand rupees, in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68.]

(*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 [2][State Government]; or

(*b*) the exercise of any right continued under 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 [2][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

Maharashtra

Amendment of section 26 of Act 16 of 1927.—In section 26 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"),—

(*a*) in sub-section (*1*),—

(*i*) for the words "two thousand rupees" the words "five thousand rupees" shall be substituted;

(*ii*) the following proviso shall be added, namely:—

"Provided that, in cases where the forest-offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously

1. Clause (*d*) and (*e*) omitted by Act 18 of 2023, s. 2 and Schedule (w.e.f. 15-11-2023).
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 15-11-2023).

convicted for any forest-offence the punishment may extend to double the punishment mentioned in this sub-section.";

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) (*a*) The Forest-officer may evict form 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 punishment inflicted under sub-section (*1*):

Provided that, nothing in the above sub-section shall adversely affect the forest rights conferred on the forest dwelling Schedule Tribes and other traditional forest dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and the ownership rights of Gram Sabha over the minor forest-produce under the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).";

(*c*) for sub-section (*4*), the following sub-sections shall be substituted, namely:—

"(*4*) Any person who causes resistance or hurt to deter public servants or employees engaged on their behalf from discharging their duties under sub-section (*1-A*) shall, on convicted, be punished with imprisonment for a term which shall not be less than one year but may extend to six years and also with fine which shall not be less than one thousand rupees.

(*5*) No civil court shall have any jurisdiction in any matter provided for by sub-section (*1-A*).".

[*Vide* Maharashtra Act 21 of 2015, s. 2].

Jammu and Kashmir and Ladakh (UTs).—

Section 26.-In sub-section (1) —

(*i*) in clause (*e*), substitute the word "dragging" with the words "dragging or removing";

(*ii*) in clause (*f*), substitute the words "the same" with the words "the same or any forest produce";

(*iii*) for clause (*h*), substitute the following clause, namely:—

(*h*) clears or breaks up any land or erects a fence, enclosure or any structure for cultivation or cultivates or attempts to cultivate any land in any other manner in any reserved forest, or for any other purpose;

(*iv*) in the long line, for the words "six months, or with fine which may extend to five hundred rupees," substitute the words "two years, or with fine which may extend to twenty five thousand rupees.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 26—In section 26 of the principal Act, in sub-section (*1*),—

(i) in clause (b) after the words "reserved forest" the words "or to a forest in the land in respect of which a notification under section 4 has been issued" shall be inserted;

(ii) in clause (e) for the word "dragging" the word "removing" shall be substituted;

(iii) in clause (f) after the words "the same" the words "or any forest produce" shall be inserted;

(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," the words "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," shall be substituted.]

[*Vide* Uttar Pradesh Act, 1 of 2001, s. 3]

Amendment of section 26.—In sub-section (1) of section 26 of the principal Act, or clause (a), the following shall be substituted, namely-

"(a) makes any fresh clearing or does any other act prohibited by section 5, or"

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 11]

Uttarakhand

Amendment of section 26.—In section 26 the principal Act, in sub-section (1) –

In sub-section (1)—

(i) in clause (b) after the words "reserved forest" the words or "to a forest in the land in respect of which a notification under Section 4 has been issued" shall be inserted;

(ii) in clause (e) for the word "dragging" the word "removing" shall be substituted;

(iii) in clause (f) after the words "the same" the words "or any forest produce" shall be inserted;

(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," the words "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," shall be substituted.

[*Vide* Uttarakhand Act 10 of 2002, s. 3]

Maharashtra

Amendment of section 26 of Act XVI of 1927.—In section 26 of the principal Act,--

(i) in sub-section (*1*), for the words beginning with the brackets and letter "(b)" and ending with the words " or who, in a reserved forest" the following shall be substituted, namely :-

"(b) set fire to a reserved forest to a proposed forest in 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 rule made by the State Government in this behalf, kindless in such forest any fire or leaves any fire or burning, in such manner as to endanger such a forest; or who, in a reserved forest or a proposed forest in land notified as aforesaid under section 4;";

(ii) after sub-Section (3), the following sub-section shall be inserted namely:-

"(4) Where 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 or Tahsildar,

may evict him from the forest or land in relation to which he has committed the offence.".

[*Vide* Maharashtra act VI of 1961, s. 7]

Maharashtra

Amendment of section 26 of Act XVI of 1927.—In section 26 of the principal Act, in sub-section (1) for the words "six months or with fine which may extend to five hundred rupees" the words "one year or with fine which may extend to two thousand rupees,"

[*Vide* Maharashtra Act VII of 1985, s. 3]

Haryana

Substituted of section 26 of Central Act 16 f 1927.—In sub-section (*1*)of section 26 of the Indian Forest Act, 1927 (hereinafter referred to as the principal Act), for the words "which may extend to six months, or with fine which may extend to five hundred rupees", the words "which may extend to one year, or with fine which may extend to one thousand rupees' shall be substituted.

[*Vide* Haryana Act 31 of 1973, s. 2]

Bihar

Amendment of sub-section (1) of Section 26 of Act XVI, 1927. - In subsection (1) of Section 26 of the Indian Forest Act, 1927 (XVI of 1927) (hereinafter referred to as the said Act) 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 damage done to the forest as the Convicting Court may direct to be paid" the following words shall be substituted; namely:-

"Shall be punishable with 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 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."

[*Vide* Bihar Act 9 of 1990, s. 2]

27. Power to declare forest no longer reserved.—(*1*) The [1][State Government] may, [2]*** by notification in the [3][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

Uttar Pradesh

Addition of new section 27-A.—In Chapter II of the principal Act, after section 27, the following new section shall be added, namely-

1. Subs. by the A.O. 1950, for "Provincial Government".

2. The words "subject to the control of the G.G. in C." rep. by the A.O. 1937

3. Subs., *ibid*, for "Local Official Gazette".

"**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."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 12]

CHAPTER III

OF VILLAGE-FORESTS

28. Formation of village-forests.—(*1*) The [1][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 [1][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

Jammu and Kashmir and Ladakh (UTs).—

Section 28.-

(*i*) in sub-section (*1*), for the word "reserved forest", substitute the words "reserved forest or declared a protected forest or is a land which has been entered in settlement records as khalsa land";

(*ii*) in sub-section (3) after the words "reserved forests", insert the words "or protected forests, as the case may be".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020). and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 28 of Act XVI of 1927—In section 28 of the Indian Forest Act, 1927 as amended in its application to Uttar Pradesh (Hereinafter called the principal Act):

(1) in sub-section (1)

(i) between the word "Forest" and the comma, the following shall be inserted:

"or declared a protected forest or is a forest belonging to the Government."

(ii) for the full stop occurring at the end, a comma shall be substituted and thereafter the following words and full stop shall be added:

"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."

(2) sub-section (3) shall be deleted.

[*Vide* Uttar Pradesh Act XXI of 1960, s. 2]

Maharashtra

Amendment of section 28 of Act XVI of 1927.—In section 28 of the said Act, --

(1) in sub-section (1), after the word "village community" the words and figures "village panchayat established under the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies act, 1925 (Bom. VII of 1925)," shall be inserted;

(2) in sub-section (2), after the word "community" the words ",panchayat or society" shall be inserted.

[*Vide* Bombay Act XXIV of 1955, s. 3]

Maharashtra

Amendment of section 28 of Act XVI of 1927.—In section 28 of the principal Act,--

(a) for the words and figures "the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933)," the words and figures "the Bombay Village Panchayats Act, 1958 (Bom. III of 1959)," shall be substituted.

(b) For the words and figures "the Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925)," the words and figures "the Maharashtra Societies Act, 1960 (Mah. XXIV of 1961)," shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 4]

CHAPTER IV

OF PROTECTED FORESTS

29. Protected forests.—(*1*) The [1][State Government] may, by notification in the [2][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 forests produce of which the Government is entitled.

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

(*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 [1][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 [1][State Government] thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the mean time to endanger the rights of Government, the [1][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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 29A.- After section 29, insert the following section–

29A.Undemarcated forests deemed to be protected forests.- (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any undemarcated forest (which means and includes all forest land other than demarcated forest which is the property of the Government of Union territory of Jammu and Kashmir and is not appropriated for any specific purpose and includes all the undemarcated and berun line forest vested in the Forest Department under the provisions of section 48 of the Jammu and Kashmir Village Panchayat Act, 1958 or any other law for the time being in force), prior to the appointed day notified under the Jammu and Kashmir Reorganization Act, 2019, shall be deemed to be a protected forest under this Act.

(*2*) All questions decided, orders issued and records prepared in connection with the constitution of such forest as undemarcated forests shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to protected forests shall apply to forest to which the provision of sub-section (*1*) are applicable.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) andVide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).]

30. Power to issue notification reserving trees, etc.—The [1][State Government] may, by notification in the [2][Official Gazette],—

(*a*) declare any trees or class of trees in a protected forests 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 [1][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 forests comprised in the notification.

32. Power to make rules for protected forests.—The [1][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 licenses 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 licenses by such persons;

(*c*) the granting of licenses 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 licenses 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 laying 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;

[1][* * * * *]

(*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][(1A) Any person who in a protected forest—

(*a*) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or felled, or closed portion of any protected forest;

(*b*) fells any tree or drags any timber so as to damage any tree reserved as aforesaid,

shall be liable to penalty which may extend to five thousand rupees in addition to such compensation for damage done to the forest as determined by a Forest-officer empowered under section 68.]

(2) Whenever fire is caused willfully 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.

(*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

Maharashtra

Amendment of section 33 of Act XVI of 1927.—In section 33 of the principal Act, in sub-section (*1*), for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 3]

1. Clauses (*e*), (*f*) and (*g*) omitted by Act 18 of 2023, s. 2 and Schedule (w.e.f. 15-11-2023). 2. Ins. by s. 2 and Schedule, *ibid*. (w.e.f. 15-11-2023).

Jammu and Kashmir and Ladakh (UTs).—

Section 33.-In Sub-section (*1*). —

(*i*) in clause (*c*), after the words "or clears", insert the words "or attempts to break-up or clear";

(*ii*) in clause (*f*), after the word "drags" , insert the words "or removes";

(*iii*) in the long line for the words "six months, or with fine which may extend to five hundred rupees", substitute the words "two years, or with fine which may extend to twenty-five thousand rupees".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020)and *vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 33-In section 33 of the principal Act, in sub-section (1),—

(i) in clause (c) after the words "or clears" the words "or, attempts to break up or clear" shall be inserted;]

(ii) in clause (f) for the word "drags" the word "removes" shall be substituted;

(iii) for the words "six months or with fine which may extend to five hundred rupees, or with both" the words "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" shall be substituted.]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 4]

Uttarakhand

Amendment of section 33.—In section 33 of the principal Act, in sub-section (1)—

(i) in clause (c) after the words "or clears" the words "or, attempts to break-up or clear" shall be inserted;

(ii) in clause (f) for the word "drags" the word "removes" shall be substituted;

(iii) for the words "six months, or with fine which may extend to five hundred rupees, or with both" the words "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" shall be substituted.

[*Vide* Uttarakhand Act 10 of 2002, s. 4]

Maharashtra

Amendment of section 33 of Act XVI of 1927.—In section 33 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:--

(3) Where a person is convicted of an offence under subsection (1),-

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

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

(c) a Revenue Officer not below the rank of Mahalkari or Tahsildar,

may evict him from the protected forest in relation to which he has committed the offence.

[*Vide* Maharashtra Act VI of 1961, s. 8]

Maharashtra

Amendment of section 33 of Act XVI of 1927.—In section 33 of the principal Act, in sub-section (1), for the words “six months or with fine which may extend to five hundred rupees,” the words “one year or with fine which may extend to two thousand rupees,” shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 5]

Haryana

Amendment of section 33 of Central Act 16 of 1927.— In sub-section (1) of section 33 of the principal Act, for the words "which may extend to six months, or with fine which may extend to five hundred rupees", the words "which may extend to one ye or with fine which may extend to one thousand rupees" shall be substituted.

[*Vide* Haryana Act 31 of 1973, s. 3]

Bihar

Amendment of sub-section (1) of Section 33 of Act XVI, 1927. - In subsection (1) of Section 33 of the said Act 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" the following words shall be substituted, namely:-

"Shall be punishable with 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."

[*Vide* Bihar Act 9 of 1990, s. 3]

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 tinder 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.

CHAPTER V

OF THE CONTROLOVER FORESTSANDLANDS NOT BEING THE PROPERTY OF GOVERNMENT

35. Protection of forests for special purposes.—(*1*) The [1][State Government] may, by notification in the [2][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 landslips 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 [1][State Government] may, for any such purpose, construct at us 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 [1][State Government].

STATE AMENDMENT

Maharashtra

Amendment of section 35 of Act XVI of 1927.—In section 35 of the said Act,--

(1) in sub-section (3), after the words “until after the issue” the words “by an officer authorised by the State Government in that behalf” shall be inserted;

(2) After sub-section (3), the following sub-section shall be added, namely:--

“(4) A notice to show cause why a notification under sub-section (1) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner or such forest and all persons who are entitled or permitted to do therein any or all of the things, specified in clause (i) or sub-section (1), whether by reasons of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (i) of sub-section (1), to extent specified in the notice.

(5) A notice issued under sub-section (3) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the service of summons and shall also be published in the manner prescribed by rules.

(6) Any person contravening any requisition made under sub-section (4) in a notice to show cause why a notification under sub-section (1) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

[*Vide* Uttarakhand Act XXIV of 1955, s. 4]

Maharashtra

Amendment of section 35 of Act XVI of 1927.—In section 35 of the principal Act,--

(i) in sub-section (4); for the words "six months" the words "one year" shall be substituted;

(ii) after sub-section (5), the following sub-section shall be inserted, namely :-

"(5-A) Where a notice issued under sub-section (3) has been served on the owner of a forest in accordance with subsection (5), any person acquiring thereafter the right of ownership of that forest shall be bound by the notice as if it had been served on him as an owner and he shall accordingly comply with the notice, requisition and notification, if any, issued under this section.";

(iii) after sub-section (6), the following sub-section shall be inserted, namely :-

"(7) Any person contravening any of the provisions of a notification issued under sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both."

[*Vide* Maharashtra Act VI of 1961, s. 9]

36. Power to assume management of forests.— (*1*) In case of neglect of, or willful 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 1[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

1. Subs. by the A.O. 1950, for "Provincial Government".

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 AMENDMENT

Maharashtra

Insertion of new sections 36-A, 36-B, and 36-C in Act XVI of 1927.—After section 36 of the said Act, the following new sections shall be inserted, namely:-

"36-A. Manner of serving notice and order under section 36.—The notice referred to in sub-section (1) of section 36 and the order, if any, made placing a forest under the control of a Forest officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908 (V of 1908), for the service of summons.

36-B. Period of control.—(1) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter by extended for successive periods of not more than years each:

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(2) The forest officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (1) make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(3) After considering any such report and subject to sub-section (1), the state government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(4) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension**.**

36-C. Termination of control.—(1) If the State Government decides to terminate any period of control of any forest, if shall, byorder published in the Official Gazette and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner;

(2) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section."

[*Vide* Bombay Act XXIV of 1955, s. 5]

37. Expropriation of forests in certain cases.—(*1*) In any case under this Chapter in which the 1[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 1[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 1[State Government] shall acquire such forest or land accordingly.

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

1. Subs. by the A.O. 1950, for "Provincial Government".

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 1[State Government] may, by notification in the 2[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 AMENDMENT

Uttar Pradesh

Amendment of section 38-A of Act XVI of 1927—In section 38-A of the principal Act:

(1) for clause (b), the following shall be substituted:

"(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, streamflow, 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 lies within it or was part of a forest or was lying within a forest on the first day of July, 1952;

(iii) such pasture land waterlogged 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."

(2) after clause (b), the following shall be added as new clause (c) and (d):

"(c) 'Forest land' means a land covered by a forest or intended to be utilized as a forest; and

(d) 'Prescribed' means prescribed by rules made under this Act."

[*Vide* Uttar Pradesh Act XXI of 1960, s. 3]

Amendment of section 38-F of Act XVI of 1927—In section 38-F of the principal Act, between the figure and letter "38-C", and word "related" the words, figure and letters "or 38-H" shall be inserted.

[*Vide* Uttar Pradesh Act XXI of 1960, s. 4]

Amendment of Section 58-G of Act XVI of 1927- In Section 28- G of the principal Act, te word "and" occurring between the comma and the figure and letter "38-D" shall be *deleted* and thereafter between the figure and letter "38-A" and the word "shall", the word, figure and letter "and 38- H" shall be *inserted.*

[*Vide* Uttar Pradesh Act XXI of 1960, s. 5]

Addition of new section 38-H to 38-M in Act XVI of 1927-After Section 38-G of the principal Act, the following shall be *added* as new Sections 38-H to 38-M:

"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 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 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) objection, 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.

38.I. ***Consequences of Notification under Section 38-H.*** **-** The State Government shall, in respect of a forest, or forest land for which 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 forest already in possession of the State Government-***In the case of 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 takenover 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, not being in excess of one fifth of the total area of such forest or forest land, as the case may be, and such period, not being beyond the period of its management, as may be satisfied in the order granting the permission.

(2) An application under sub-section (1) shall be submitted to the Forest Officer-incharge 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, takenover under Section 38-H and thereupon the forest or the forest land, as the case may be, shall ceases 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 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, 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 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."

[*Vide* Uttar Pradesh Act XXI of 1960, s. 6]

Insertion of a new Chapter V-A in Act XVI of 1927- After Chapter V of the Indian Forest Act, 1927 the following shall be added as a new chapter V-A:

"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

(b) "Forest" includes-

(i) any land covered by trees and shrubs, and

(ii) pasture lands.

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 trapping of burning of any tree or the stripping off 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 conversation 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 forest 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 33-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 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 tendering to his 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 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, and

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 XVI of 1927- The provisions of Section 36 shall mutatis mutandisapply to any regulation or prohibition notified under Section 38-B or 38-C.

38-F. Penalties- Any person who-

(i) fell, girdles, lops, taps, pollards or burns any tree or strips off the bark or otherwise damages any tree, or breaks up or clears for cultivation or any other purpose, any land in the forest to which the notification under Section 38-B or 38-C relates, 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. Savings- The powers conferred by Sections 38-B, 38-C, and 38-D 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."

[*Vide* Uttar Pradesh Act V of 1956, s. 2]

Amendment of Section 38-D of Act XVI of 1927.- In Section 38-D of the Indian Forest Act, 1927 as amended in its application to Uttar Pradesh (hereinafter called the principal Act), for the word “and” and the comma preceding it in sub-clause *(iii)* of clause *(a)* semi-colon shall be *substituted* and thereafter the following new clause *(aa)* shall be inserted:

“(aa) In case of a notification affecting 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”.

[*Vide* Uttar Pradesh Act XI of 1964, s. 2]

Amendment of section 38-F of Act XVI of 1927.—In section 38-F of the Principal Act, for clause (i) of following shall be substituted.

"(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 any tree, or strips off the bark from any tree, in any forest in respect of which a notification under section 33-8 of 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".

[*Vide* Uttar Pradesh Act XI of 1964, s. 3]

Amendment of section 38-H of Act XVI of 1927.—In section 38-H of the principal Act, after sub-section (3) the following shall be added as sub-section (4) thereof:

"(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 of 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 of 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 the notification under sub-section (1) or the expiry of six months from the date of service of the notice, whichever is earlier."

[*Vide* Uttar Pradesh Act XI of 1964, s. 4]

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

39. Power to impose duty on timber and other forest-produce.—(*1*) The [1][Central Government] may levy a duty in such manner, at such places and at such rates as it may declare by notification in the [2][Official Gazette] on all timber or other forest-produce—

(*a*) which is produced in [3][the territories to which this Act extends], and in respect of which the [4][Government] has any right;

(*b*) Which is brought from any place outside [2][the territories to which this Act extends]:

[5]* * * * *

(*2*) In every case in which such duty is directed to be levied *ad valorem*, the [1][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 [6][State Government], shall be deemed to be and to have been duly levied under the provisions of this Act.

1. Subs. by the A.O. 1937, for "L.G.".

3. Subs. by the A.O. (No. 3) 1956, for "Part A States and Part C States".

4. Subs. by the A.O. 1950, for "Crown".

5. The Proviso rep. by the A.O. 1937.

6. Subs. by the A.O. 1950, for "Provincial Government".

[1][(*4*) Notwithstanding anything in this section, the [2][State Government] may, until provision to the contrary is made by [3][Parliament], continue to levy any duty which it was lawfully levying before the commencement[4] of [5][the Constitution], under this section as then in force:

Provided that nothing in this sub-section authorises the levy of any duty which as between timber or other forest-produce of the [6][State] and similar produce of the locality outside the [6][State] discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the [6][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 TIMBERANDO THER FOREST-PRODUCE IN TRANSIT

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 [2][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 [7][the State];

(*b*) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised 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 therefore;

(*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

[8][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;

1. Ins. by the A.O. 1937.
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Subs. by the A.O. 1950, for "the Central Legislature".
4. That is, 26th January, 1950.
5. Subs. by the A.O. 1950, for the "Part III of the Government of India Act, 1935".
6. Subs. *ibid*., for "Province".
7. Subs. by the A.O. 1937, for "British India".
8. Subs. by the A.O. 1950, for "Crown".

(*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 AMENDMENT

Uttar Pradesh

Amendment of section 41.—In section 41 of the principal Act, after sub-section (2) the following new sub-sections shall be added, 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 purporting 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 and 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."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 13]

Maharashtra

Amendment of section 41 of Act XVI of 1927.—In section 41 of the Indian Forest act, 1927 (XVI of 1927) in this application to the state of Maharashtra, in sub-section (2), after clause (h), the following new clause shall be inserted, namely:--

"(*hh*) regulate by grant of licences, within the forest limits or such distance therefrom not exceeding eight kilometres as may be determined, the converting or cutting of timber in a saw mill, and prescribe fees and conditions, subject to which such licences may be granted;

[*Vide* Maharashtra Act XV of 1965, s. 2]

Amendment of section 41 of Act XVI of 1927.—In section 41 of the Indian Forest act, 1927, in its application to the State of Maharashtra,--

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

"(1A) 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 timer 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 filed.";

(b) in sub-section (2), clause (*hh*) shall be deleted, and shall be deemed to have been deleted, with effect from the 10th day of February, 1965.

[*Vide* Maharashtra Act XXIII of 1984, s. 2]

[1]**[41A. 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 [2][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 [3][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

Maharashtra

Amendment of section 42 of Act 16 of 1927.—In section 42 of the principal Act, in sub-section (1), for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 4]

Jammu and Kashmir and Ladakh (UTs).—

Section 42.- In sub-section (*1*), for the words "six months" and "five hundred rupees", substitute the words "two years" and "twenty-five thousand rupees" respectively.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020.]

Uttar Pradesh

Amendment of section 42—In section 42 of the principal Act, for sub-section (1), the following sub-section shall be substituted, 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."]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 5]

Uttarakhand

Amendment of section 42.—In section 42 of the principal Act, in sub-section (1), or the words "six month, or fine which may extend to five hundred rupees" the words "two years, or fine which may extend to five thousand rupees" shall be substituted.

[*Vide* Uttarakhand Act 10 of 2002, s. 5]

Maharashtra

Amendment of section 42 of Act XVI.—In section 42 of the principal Act, in sub-section (1), for the words "six months or with fine which may extend to five hundred rupees," the words "one year or with fine which may extend to two thousand rupees," shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 6]

1. Ins. by the A.O. 1937.

2. Subs. by the A. O. (No. 3) 1956, for "Part A States and Part C States".

3. Subs. by the A.O. 1950, for "Provincial Government".

Bihar

Substitution of Section 42 of Act XVI, 1927.—For Section 42 of the said Act, the following shall be substituted; 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."

[*Vide* Bihar Act 9 of 1990, s. 4]

43. Government and Forest-officers not liable for damage to forest-produce at depot.—The [1][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 [1][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

OFTHE COLLECTIONOF DRIFTAND 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, beached, 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 [2][State Government] directs, all unmarked wood and timber;

shall be deemed to be the property of Government, unless and untill 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 s ion 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(*3*) The [2][State Government] may, by notification in the [3][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.

1. Subs. by the A.O. 1950, for "Crown".

(*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 [1][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 [1][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 [1][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 if 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 [1][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 marking such timber.

[2][(*1A*) 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 [3][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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 51.-In sub-section (2), for the words "six months, or with fine which may extend to five hundred rupees", substitute the words "two years, or with fine which may extend to twenty-five thousand rupees".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) andVide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Tripura

Insertion of new section 51A. —After section 51 of the principal Act the following section shall be inserted, namely :—

1. Subs. by Act 4 of 2005, s. 2 and the Schedule, for "may make rules".
2. Ins. by s. 2 and the Schedule, *ibid*.
3. Subs. by the A.O. 1950, for "Provincial Government".

51A.—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 of preparation of the following articles: —

(*i*) Katha (Catechu) or Kuth out of Khair wood;

(*ii*) plywood, veneer and wood-panel products;

(*iii*) preparation of matchboxes 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.

[*Vide* Tripura Act 10 of 1984, s. 4].

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, maybe 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 AMENDMENT

Maharashtra

Amendment of section 52 of Act 16 of 1927.—In section 52 of the principal Act,—

(*a*) sub-section (*1A*) shall be deleted;

(*b*) in the marginal note, the words "and forfeiture" shall be deleted.

[*Vide* Maharashtra Act 21 of 2015, s. 5].

Tripura

Amendment of section 52.—In sub-section (1) of section 52 of the principal Act, the words "carts or cattle", the words and mark "carts, vehicles or cattle" shall be substituted.

[*Vide* Tripura Act 10 of 1984, s. 5].

Jammu and Kashmir and Ladakh (UTs).—

Section 52.-Substitute section 52 with the following section, namely:–

"52. **Seizure of property liable to confiscation and procedure thereof**.– (1) When there is reason to believe that a forest offence has been committed in respect of any reserved forest, protected forest, village forest or forest produce, the forest produce, together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing any such offence, may be seized by a 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 before an officer not below the rank of the Divisional Forest Officer (hereinafter referred to as the 'authorised officer'):

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the 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 receipt of report about seizure, 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, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing such offence and a copy of the order of confiscation shall be forwarded without any undue delay to the person from whom the property is seized and to the Conservator of Forest Circle in which the forest produce, tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article 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 writing about initiation of proceedings for confiscation of the 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, in the opinion of 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, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle 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, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article 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 the use of objects aforesaid for commission of forest offence.

(6) Where the cattle are involved in the commission of a forest offence, the same after seizure by any officer, shall be entrusted to any responsible person under a proper receipt on an undertaking to produce the same when required in case there is no cattle pound within a radius of five kilometres from the place of such offence:

Provided that notwithstanding anything contained in section 57, in case of unclaimed cattle a Forest Officer not below the rank of Range Officer, after giving sufficient publicity in the vicinity of the place of offence for the owner to come forward to claim the cattle within seven days from the date when such publicity has been given, may dispose them of by public auction.

(7) The provisions of the Cattle Trespass Act, 1871 (1 of 1871), shall apply in respect of the charges to be levied for the upkeep and fee of the cattle.

Insertion of section 52A to 52D.—After section 52, insert the following sections, namely:–

52A. **Revision before Court of Sessions against order of confiscation**.–(1) Any party aggrieved by an order of confiscation under section 52 may within thirty days of the order or if facts of the confiscation have not been communicated to him, within thirty days of knowledge of such order submit a petition for revision to the Court of Sessions Division whereof the headquarters of Authorised Officer are situated.

***Explanation* I.**–In computing the period of thirty days under this sub-section, the time required for obtaining certified copy of the order of Authorised Officer shall be excluded.

***Explanation* II.**–For the purposes of this sub-section a party shall be deemed to have knowledge of the order of confiscation under section 52 on publication of such order in two daily newspapers having circulation in the State.

(*2*) The Court of Sessions may confirm, reverse or modify any final order of confiscation passed by the Authorised Officer.

(*3*) Copies of the order passed in revision shall be sent to the Authorised Officer for compliance or passing such further order or for taking 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 (2 of 1974) the order of Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52B. Bar to jurisdiction of Courts etc. under certain circumstances.—(1) On receipt of report under sub-section (4) of Section 52 about intimation 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 Authorised Officer and Court of Sessions referred to in sections 52 and 52A 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 the forest offences, then receipt of intimation under sub-section (*4*) of section 52 by one of the Courts shall operate as bar to exercise jurisdiction on all such other Courts.

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

52C. Power of search and seizure.–(1) 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.

(2) Any forest officer not below the rank of Range officer, having reasonable grounds to believe that forest produce is, in contravention of the provisions of this Act, in the possession of a person in any place, may enter such place with the object of carrying out a search for the forest produce and its confiscation:

Provided that such search shall not be conducted otherwise than in accordance with the provisions of the Code of Criminal Procedure, 1973.

52D. Penalty for forcibly opposing seizure.—Whosoever opposes the seizure of any forest-produce, tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article liable to be seized under this Act, or forcibly receives the same after seizure, shall be punishable with

imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020)Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Tripura

Insertion of new section.—After Section 52 of the Principal Act, the following new section shall be inserted, namely:--

52A. 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 for confiscation; and

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

(4) Any Forest Officer not below the rank of Conservator of Forsts 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-moto* 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 prejudical to any person shall be passed without giving him an opportunity of being heard.

(5) Any persons aggrieved by an order passed under sub-sections (l), (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 there of; 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.

[*Vide* the Tripura Act 8 of 1987, s. 3]

Uttar Pradesh

Amendment of section 52—In section 52 of the principal Act, —

(i) in sub-section (1), for the words "vehicles or cattle" the words "vehicles, cattle, ropes, chains or other articles" shall be substituted;

(ii) for sub-section (2), the following sub-sections shall be substituted, 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."]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 6]

Amendment of Sections 52, 53 and 55 of Act XVI of 1927—In sub-section (1) of Section 52 and Section 53 and 55 of the principal Act, for the word " Carts" wherever occurring the word "Vehicles" shall be substituted.

[*Vide* Uttar Pradesh Act XXI of 1960, s. 7]

Insertion of new sections 52-A, 52-B, 52-C and 52-D—

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 subsection (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 recautions 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, with in 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 confiscationnot to prevent any other punishment—No order of confiscation under section 52-A or 52-B shall prevent the indication of any punishment to which the person affected thereby may be liable under this Act.

52-D. Bar of jurisdiction incertain 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."]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 7]

Uttarakhand

Amendment of section 52.—In section 52 of the Principal Act—

(i) in sub-section (1), for the words "carts or cattle" the words "vehicles, cattle, ropes, chains or other articles" shall be substituted;

(ii) for sub-section (2), the following sub-sections shall be substituted, 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.".

[*Vide* Uttarakhand Act 10 of 2002, s. 6]

Insertion of new section 52-A, 52-B, 52-C and 52-D.—After section 52 of the principal Act, the following sections shall be inserted, namely**:--**

52-A. Procedureon 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 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 notto 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 incertain 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.".

[*Vide* Uttarakhand Act 10 of 2002, s**.** 7]

Amendment of section 52 of Act XVI of 1927.—In section 52 of the principal act,--

(a) after sub-section (1), the following sub-section shall be inserted namely :-

"(1A) 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 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 be 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-section (2) after the words "on such property," the words and brackets "or the receptacle or vehicle (if any) in which it is contained," shall be inserted;

(ii) after the proviso, the following shall be added, namely :-

"Provided further that, where the offence on account of which the seizure has been made 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 61A.

Explanation.-For the purposes of this Chapter, the expression "property of Government" and "property of the State Government" include the property belonging to the Forest Development Corporation of Maharashtra, Limited";'

(c) in the marginal note, for the word "confiscation" the words "confiscation and forfeiture" shall be substituted."

[*Vide* Maharashtra Act VII of 1985, s. 7]

Maharashtra

Amendment of sections 52, 53 and 55 Act XVI of 1927.—In sections 52, 53 and 55 of the Indian Forest Act, 1927 (XVI of 1927), for the word "carts", wherever it occurs, the word "vehicles" shall be substituted.

[*Vide* Maharashtra Act XXV of 1953, s. 2]

Bihar

Substitution of Section 52 of Act, XVI, 1927.—For Section 52 of the said Act, the following shall be substituted; 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 Forest 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 subsection (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 convenience or as the case may be, without the knowledge or convenience 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."

[*Vide* Bihar Act 9 of 1990, s. 5]

Insertion of new Sections 52A, 52B, 52C and 52D in Act XVI of 1927.—After Section 52 of the said Act the following new Sections, shall be inserted, namely:-

"**52A**. **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" if 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" if 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* if 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 practitioner.

(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 an order of consequential nature, shall be sent to the Authorised Officer for compliance or for passing any order appropriate order in conformity with the order of Appellate Authority.

52B. 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, exercises 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 (Act No. 2 of 1974).

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the order passed under this Section shall be final and shall not be called in question before any Court.

52C.Bar of Jurisdiction of Courts etc. in certain circumstances.—(1) On receipt of intimation under sub-section (4) of Section 52 about initiation of proceeding 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, 52A and 52B) 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.

52D.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 article used in committing such offence."

[*Vide* Bihar Act 9 of 1990, s. 6]

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 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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 53.-For section 53, substitute the following section, namely**:–**

"53. Power to release property seized under section 52.—Any forest officer of a rank not inferior to that of a Range Officer, who, or whose subordinate, has seized any tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing any forest offence, including the forest produce, under section 52, may release the same on the execution by the owner thereof, of a security in a form of a bank guarantee, of an amount not less than the value of such property, as estimated by such officer, for the production of the property so released when so required by the Magistrate having jurisdiction to try the offence or by the authorised officer empowered under sub-section (2) of section 52, on account of which the seizure has been made:

Provided that when any forest produce is seized at a remote location from where it is not practicable to transport it immediately, the officer who, or whose subordinate has effected such seizure under section 52, may entrust the same (Supardnama) to any responsible person on the execution of a bond thereof, by such person, for the production of the property so entrusted if and when required by the Magistrate having jurisdiction to try the offence or before the authorised officer empowered under sub-section (2) of section 52, on account of which the seizure has been made."

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) andVideUnion Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).]

Orissa

Amendment of sections 52 and 53, (16 of 1927).—In section 52 and 53 of the said Act, for the word "carts" wherever it occurs the word "vehicle" shall be substituted.

[*Vide* the Orissa Act 11 of 1954, s. 3]

Tripura

Amendment of section 53.—In section 53 of the principal Act, for the words "carts or cattle", the words and mark "carts, vehicles or cattle" shall be substituted.

[*Vide* the Tripura Act 10 of 1984, s. 6]

Uttar Pradesh

Amendment of section 53—In section 53 of the principal Act,--

(i) for the words "vehicles or cattle" the words "vehicles, cattle, ropes, chains or other articles" shall be substituted.

(ii) after the words "the seizure has been made" the words "except in respect of cases falling under section 52-A for which the procedure laid down in that section shall be followed" shall be inserted.]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 8]

Uttarakhand

Amendment of section 53.—In section 53 of the principal Act,--

(i) or the words "carts or cattle" the words "vehicle, cattle, ropes, chains or other articles" shall be substituted;

(ii) after the words "the seizure has been made" the words "except in respect of cases falling under Section 52-A for which the procedure laid down in that section shall be followed" shall be

inserted.

[*Vide* Uttarakhand Act 10 of 2002, s. 8]

Maharashtra

Amendment of section 53 of Act XVI of 1927.—In section 53 of the principal Act, for the words and figures "under section 52, may release" the words, figures and letter "under section 52 may, subject to section 61G, release" shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 8]

Maharashtra

Amendment of sections 52,53 and 55 Act XVI of 1927.—In sections 52, 53 and 55 of the Indian Forest Act, 1927 (XVI of 1927), for the word "carts", wherever it occurs, the word "vehicles" shall be substituted.

[*Vide* Maharashtra Act XXV of 1953, s. 2]

54. Procedure thereupon.—Upon the receipt of any such report, the Magistrate shall, with all convenient is 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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 54.-For section 54, substitute the following section, namely:-

"54. Receipt of report of seizure by Magistrate and procedure thereupon.- Upon the receipt of any report under sub-section (*4*) of section 52, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law:

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."

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Maharashtra

Substitution of section 54 of Act XVI of 1927.—For section 54 of the principal act, the following section shall be substituted, namely:-

"**54. Procedure on receipt by Magistrate of report of seizure**.— Upon the receipt of any report under sub-section (4) of section 52, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law:

[*Vide* Maharashtra Act VII of 1985, s. 9]

55. Forest-produce, tools, etc., when liable to confiscation.—(*1*) All timber or forest-produce which is not the property of [1][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

Maharashtra

Amendment of section 55 of Act 16 of 1927.—In section 55 of the principal Act,—

(*a*) in sub-section (1), for the words "shall be liable by order of the convicting court to forfeiture" the words "shall be liable to confiscation" shall be substituted;

1. Subs. by the A.O. 1950, for "Crown".

(*b*) in sub-section (2), for the word "forfeiture" the word "confiscation" shall be substituted;

(*c*) in the marginal note, for the word "forfeiture" the word "confiscation" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 6]

Jammu and Kashmir and Ladakh (UTs).—

Section 55.– For sub-section (1), substitute the following sub-section:–

(*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, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article, in each case used in committing any forest offence shall, subject to the provisions of section 52, 52A and 52B, be liable to confiscation upon conviction of the offender for such offence.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020.)]

Uttar Pradesh

Amendment of section 55—In section 55 of the principal Act, in sub-section (1) for the words "vehicle and cattle used in committing any forest offence" the words "vehicles, cattle, ropes, chains and other articles used in committing such forest office" shall be substituted.

[*Vide* Uttar Pradesh Act 1 of 2001, s. 9]

Uttarakhand

Amendment of section 55.—In section 55 of the principal Act, in sub-section (1) for the words "Carts and cattle used in committing any forest offence" the words "vehicles, cattle, ropes, chains and other articles used in committing forest offence" shall be substituted.

[*Vide* Uttarakhand 10 of 2002, s. 9]

Maharashtra

Amendment of section 55 of Act XVI of 1927.—In section 55 of the principal Act,--

(a) in sub-section (1), for the words "shall be liable to confiscation," the words, figures and letter "shall, subject to section 61G, be liable by order of the convicting court to forfeiture.", shall be substituted;

(b) in sub-section (2), for the word "confiscation" the word "forfeiture" shall be substituted;

(c) in the marginal note, for the word "confiscation" the word "forefeiture" shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 10]

Maharashtra

Amendment of sections 52,53 and 55 Act XVI of 1927.—In sections 52, 53 and 55 of the Indian Forest Act, 1927 (XVI of 1927), for the word "carts", wherever it occurs, the word "vehicles" shall be substituted.

[*Vide* Maharashtra Act XXV of 1953, s. 2]

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 [1][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

Maharashtra

Amendment of section 56 of Act 16 of 1927.—In section 56 of the principal Act, for the word "forfeited" the word "confiscated" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 7].

Jammu and Kashmir and Ladakh (UTs).—

Section 56.-For the words "When the trial of", substitute the words, figures and letter, "Without prejudice to the provisions of section 52C, when the trial of".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) Vide Union Territory of Ladakh Reorganisation (Adaptation of

Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Maharashtra

Amendment of section 56 of Act XVI of 1927.—In section 56 of the principal Act,--

(a) for the word "confiscated" the word "forefeited" shall be substituted;

(b) for the words "in any other case, may be disposed of" the words, figures and letters "in any other may, subject to section 61G, be disposed of" shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 11]

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

Maharashtra

Amendment of section 57 of Act 16 of 1927.—In section 57 of the–principal Act, for the word "forfeited" the word "confiscated" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 8].

Jammu and Kashmir and Ladakh (UTs).—

Section 57.-For section 57, substitute the following section, namely:–

"57. Procedure when the offender is 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, but subject to section 52B, order the property in respect of which offence has been committed, to be confiscated or forfeited together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing the offence, 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."

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 57—In section 57 of the principal Act, for the words "The Magistrate may" the words "the Magistrate, subject to section 52-D may." shall be substituted.

[*Vide* Uttar Pradesh Act 1 of 2001, s. 10]

Uttarakhand

Amendment of section 57.—In section 57 of the principal Act, for the words "The Magistrate may" the words "The Magistrate, subject to section 52-D, may" shall be substituted.

[*Vide* Uttarakhand Act 10 of 2002, s. 10]

Maharashtra

Amendment of section 57 of Act XVI of 1927.—In section 57 of the principal Act, for the portion beginning with the words "the Magistrate may" and ending with the words "to be confiscated" the following shall be substituted, namely:--

"the Magistrate may, if he finds that an offence has been committed, but subject to section 61G, 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.".

[*Vide* Maharashtra act VII of 1985, s. 12]

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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 58.-For section 58, substitute the following section, namely:–

58. Procedure as to perishable property seized under section 52. — The Authorised Officer under sub-section (2) of section 52, or 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 had it not been sold.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 58—Ins section 58 of the principal Act, for the words "The Magistrate may, notwithstanding anything hereinbefore contained," the words "Notwithstanding anything hereinbefore contained, but subject to sub-section (3) of section 52-A, the Magistrate may," shall be substituted.

[*Vide* Uttar Pradesh Act 1 of 2001, s. 11]

Uttarakhand

Amendment of section 58.—In section 58 of the principal Act for the words "The Magistrate may, notwithstanding anything herein before contained," the words, "Notwithstanding anything hereinbefore contained, but subject to sub-section (3) of section 52-A, the magistrate may" Shall be substituted.

[*Vide* Uttarakhand Act 10 of 2002, s. 11]

Maharashtra

Substitution of section 58 of Act XVI of 1927.—For section 58 of the principal Act, the following section shall be substituted namely:--

"**58. Procedure as to perishable 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.".

[*Vide* Maharashtra Act VII of 1985, s. 13]

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.

60. Property when to vest in [1]**[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 [1][Government] free from all incumbrances.

STATE AMENDMENTS

Maharashtra

Amendment of section 60 of Act 16 of 1927.—In section 60 of the principal Act, for the word "forfeiture" the word "confiscation" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 9]

Jammu and Kashmir and Ladakh (UTs).—

Section 60.—Renumbered as sub-section (2) thereof, and, before sub-section (2) as so renumbered, insert the following sub-section, namely:–

(1) Property ordered to be confiscated by an authorised officer under section 52, subject to the result of revision before Court of Sessions under section 52A shall upon conclusion of proceedings in revision, vest in the Government free from all encumbrances:

Provided that if no revision is preferred under section 52A, such vesting shall take effect on expiry of period specified for the submitting petition for revision under section 52A.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 60—Section 60 of the principal Act shall be renumbered as sub-section (1) thereof and ‘after sub-section (1) as so renumbered the following sub-section shall be inserted, 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 in 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.”]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 12]

Maharashtra

Amendment of section 60 of Act XVI of 1927.—In section 60 of the principal act, for the words “confiscation” the word “forfeiture” shall be substituted.

[*Vide* Maharashtra act VII of 1985, s. 14]

Uttarkhand

Amendment of section 60.— Section 60 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered the following sub-section shall be inserted, 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 an 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.".

[*Vide* Uttaranchal Act 24 of 2014, s. 12]

1. Subs. by the A.O. 1950, for “Crown”.

61. Saving of power to release property seized.—Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the [1][State Government] from directing at any time the immediate release of any property seized under section 52.

STATE AMENDMENTS

Maharashtra

Amendment of section 61A of Act XVI of 1927.—In section 61A of the principal Act,—

(*a*) for sub-section (*3*), the following sub-section shall be substituted:—

“(*3*) Where any timber, sandalwood, firewood, charcoal or any other notified forest-produce, which is the property of the State Government, is seized under sub-section (*1*) of section 52, or any such forest-produce is produced before any authorised officer under sub-section (*1*) and he is satisfied that a forest-offence has been committed in respect of such forest-produce, notwithstanding whether or not a

prosecution is instituted for the commission of such offence, such authorised officer shall order the forest-produce so seized to be taken charge of by a Forest-officer, and may order confiscation of all tools, boats, vehicles and cattles used in committing such offence.";

(*b*) in sub-section (*4*),—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

"(*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 sale of all confiscated tools, boats, vehicles and cattles.";

(*ii*) in clause (*b*),—

(*1*) the words "property or the" shall be deleted;

(*2*) for the word "auction" the word "sale" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 10]

Amendment of section 61B of Act 16 of 1927.—In section 61B of the principal Act,—

(*a*) in sub-section (*1*), the words "any timber, sandalwood, firewood, charcoal or any other notified forest-produce," shall be deleted;

(*b*) after sub-section (*2*), the following sub-section shall be added, namely:—

"(*3*) When the offender or the owner of any tool, boat, vehicle or cattle seized under, sub-section (*1*) of section 52 is not known or cannot to found, and the authorised officer is satisfied that the same has been used in committing a forest-offence in respect of timber, fire-wood, sandalwood, charcoal or any other notified forest-produce which is the property of the State Government, notwithstanding anything contained in the foregoing provisions, the authorised officer may pass order in accordance with the provisions contained in section 61A:

Provided that, no such order shall be made until the expiration of a period of thirty days form the date of seizing such property or without hearing the person claiming any right thereto.".

[*Vide* Maharashtra Act 21 of 2015, s. 11].

Substitution of section 61F of Act 16 of 1927.—For section 61F of the principal Act, the following section shall substituted, namely:—

61F. Property etc. confiscated when to vest in Government.—When an order for confiscation of any property has been passed under section 61A or section 61C, and the period of limitation provided by section 61D for filing an appeal against 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 of such portion thereof, or if it has been sold under section 58 or under clause (*a*) of sub-section (*4*) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.".

1. Subs. by the A.O. 1950, for "Provincial Government".

[*Vide* Maharashtra Act 21 of 2015, s. 12].

Amendment of section 61G of Act 16 of 1927.—In section 61G of the principal Act, for the word "offence" the words "forest-offence in respect of such property" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 13]

Uttar Pradesh

Insertion of new sections 61-B and 61-C-After section 61-A of the principal Act, the following sections shall be inserted 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 cases 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."]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 13]

Addition of new section 61-A. ―After section 61 of the principal Act, the following new section shall be added, namely—

61-A. Summary eviction of persons convicted of certain offences.—Where a Court convicts any person of an offence sunder clause (a), clause (b) or clause (h) of sub-section (1) of section 26 of 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 or revision may direct any order under sub-section (1) passed by a Court subordinate there to be stayed pending consideration by the former Court and may modify, alter or annul such order.”

[*Vide* Uttar Pradesh ActXXIII of 1965, s. 14]

Uttarakhand

Insertion of new sections 61-A and 51-B.—After section 61-A of the principal act, the following sections shall be inserted, 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.".

[*Vide* Uttarakhand Act 10 of 2002, s. 13]

Maharashtra

Amendment of section 61 of Act XVI of 1927.—In section 61 of the principal act, for the words and figures “seized under section 52” the following shall be substituted, namely:-

“seized under section 52 which is not the property of Government and the withdrawal of any charge made in respect of such property.”.

[*Vide* Maharashtra Act VII of 1985, s. 15]

Insertion of section 61A of 61G in act XVI of 1927.—After section 61 of the principal act, the following sections shall be inserted namely:--

“61A. Confiscation by Forest officer of forest produce where 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 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 authorize 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, 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 61C or 61D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

61B. Issue of show cause notice before confiscation under section

61A.—(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 61A 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 a tool, boat, vehicle or cattle shall be made under section 61A 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.

61C. 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 61D 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.

61D. Appeal.—(1) Any person aggrieved by any order passed under section 61A or section 61C 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, vehicles 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 61C, 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 Session Judge under sub-section (1) shall be final and shall not be questioned in any Court.

61E. Award of confiscation not to interfere with other punishments.—The award of any confiscation under section 61A or section 61C or section 61D 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.

61F. 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 61A or section 61C or Section 61D 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 61A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.

61G. 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 61A or the officer specially empowered under section 61C or the Sessions Judge hearing the appeal under section 61D 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 orders with regard to the custody, possession, delivery, disposal or distribution of such property and any tool, boat, vehicle or cattle."

[*Vide* Maharashtra Act VII of 1985, s. 16]

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.

STATE AMENDMENTS

Maharashtra

Amendment of section 62 of Act 16 of 1927.—In section 62 of the principal Act, in sub-section (1), the words "or forfeiture" shall be deleted.

[*Vide* Maharashtra Act 21 of 2015, s. 14]

Maharashtra

Amendment of section 62 of Act XVI of 1927.—Section 62 of the principal act shall be re-numbered as sub-section (1) thereof and,--

(a) in sub-section (1) as so re-numbered, for the word "confiscation" the words "confiscation or forfeiture" shall be *substituted.*

(b) after sub-section (1) as so re-numbered, the following sub-section shall be added, 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."

[*Vide* Maharashtra Act VII of 1985, s. 17]

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 [1][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

1. Subs. by the A.O. 1950, for "Crown".

(*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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 63.-For the words, "or with fine", substitute the words "or with fine which may extend to twenty-five thousand rupees".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

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 authorise 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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 64A.-After section 64, insert the following section, namely:-

64A. Offences non-bailable.-Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Act other than those compoundable under section 68 shall be non-bailable.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) andVide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Maharashtra

Amendment of section 64 of Act XVI of 1927.—In section on 64 of the principal act, in sub-section (1), for the words "Any Forest Officer or Police Officer", the words "Any Forest Officer, Police Officer or Revenue Officer" shall be substituted.
[*Vide* Maharashtra Act VI of 961, s. 10]

65. Power to release on a bond a person arrested.—Any Forest-officer of a rank not interior 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

Maharashtra

Amendment of section 65A of Act 16 of 1927.—In section 65A of the principal Act, in clause (*b*), for the words, figures, brackets and letters "Section 26, clauses (*a*), (*b*), (*f*), (*g*), (*h*) and (*i*) of sub-section (*1*)", the words, figures, brackets and letters "Section 26, clauses (*a*), (*b*), (*d*), (*f*), (*g*), (*h*) and (*i*) of sub-section (*1*) and sub-section (*4*)" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 15]
Jammu and Kashmir and Ladakh (UTs).—

Section 65A and 65B.-After section 65, insert the following sections, namely:–

65A.Requisition for police assistance.—Any forest officer may requisition the services of any police officer to assist him for all or any of the purposes specified in sections 52, 63 and 64 and it shall be the duty of every such officer to comply with such requisition.

65B. Police officers bound to seek technical clearance from Authorized Officer.—Any police officer seizing any property under the provisions of this Act or rules framed there under shall be bound to seek technical clearance of the authorized officer to lodge a complaint to the magistrate under section 52 of this Act.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Insertion of new section 65-A—After section 65 of the principal Act, the following section shall be inserted, 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 application for 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 offence."]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 14]

Uttarakhand

Insertion of new section 65-A.—After section 65 of the principal Act, the following sections shall be inserted, 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.".

[*Vide* Uttaranchal Act 10 of 2002, s. 14]

Maharashtra

Amendment of section 65 of Act XVI of 1927.— In section 65 of the principal Act, for the words "a Ranger" the words "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" shall be substituted.

[*Vide* Maharashtra Act VI of 1961, s. 11]

Maharashtra

Amendment of section 65 of Act XVI of 1927.—In section 65 of the principal act, for the words "may release such person" the words, figures and letter "may, subject to and without prejudice to the provisions of section 65A, release such person" shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 18]

Insertion of section 65A in Act XVI of 1927.—After section 65 of the principal Act, the following section shall be inserted, namely:--

"65A. 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.".

[*Vide* Maharashtra Act VII of 1985, s. 19]

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

Maharashtra

Insertion of new section 66A in Act 16 of 1927.—After section 66 of the principal Act, the following section shall be inserted, namely:—

66A. Punishment for abetment.—Whoever abets any forest-offence shall, if the offence abetted is committed in consequence of abetment, be punished with the same punishment as is provided for such offence,"

[*Vide* Maharashtra Act 21 of 2015, s. 16].

Uttar Pradesh

Insertion of new section 66-A—

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."]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 15]

Maharashtra

Amendment of section 66 of Act XVI of 1927.—In section 66 of the principal Act, for the words "Every Forest Officer and Police Officer" the words "Every Forest Officer, Police Officer and Revenue Officer" shall be substituted.

[*Vide* Maharashtra Act VI of 1961, s. 12]

Bihar

Insertion of new Section 66-A in Act XVI, 1927. - After Section 66 of the Act the following new Section shall be *inserted*, namely:-

"**66A**. **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 reasons 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 XV of 1956)."

[*Vide* Bihar Act 9 of 1990, s. 7]

67. Power to try offences summarily.—The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the [1][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.

Maharashtra

Amendment of section 67 of Act 16 of 1927.—In section 67 of the principal Act, for the words "two thousand rupees" the words "five thousand rupees" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 17]

Jammu and Kashmir and Ladakh (UTs).—

Section 67.—For the words "not exceeding six months, or fine not exceeding five hundred rupees", substitute the words "not exceeding two years or with fine not exceeding twenty five thousand rupees".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Maharashtra

Amendment of section 67 of Act XVI of 1927.—In section 67 of the principal Act,--

(a) for the words and figures "the Code of Criminal Procedure, 1898" the words and figures "the Code of Criminal Procedure, 1973" shall be substituted;

(b) for the words "not exceeding six months, or fine not exceeding five hundred rupees or both" the words "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" shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s. 20]

Bihar

Substitution of Section 67 of Act XVI, 1927. - For Section 67 of the said Act the following shall be substituted; namely:-

1. Subs. by the A.O. 1950, for "Provincial Government".

"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 trials under Chapter XXI of the Criminal Procedure Code, 1973."

[*Vide* Bihar Act 9 of 1990, s. 8]

68. [1][Power to compound offences and impose penalties].—(*1*) The [2][State Government] may, by notification in the [3][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 [4][; or]

[5][(*aa*) to accept from any person a sum of money by way of penalty or compensation for violation of sub-section (*1A*) of section 26 or sub-section (*1A*) of section 33; 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

Maharashtra

Amendment of section 68 of Act 16 of 1927. —In section 68 of the principal Act,—

(*a*) in sub-section (1), —

(1) in clause (*a*), —

(*i*) after the words "other than an offence specified in" the words, brackets and figures "sub-section (4) of section 26 or" shall be inserted;

(*ii*) for the words "payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum of money," the words "payment of a sum of money" shall be substituted.

(2) in clause (b), for the words " on payment of, or at his discretion, on acceptance of an undertaking in writing to pay," the words "on payment of" shall be substituted.

(b) in sub-section (2), for the words "payment of, or on acceptance of an undertaking in writing to pay," the words "payment of," shall be substituted.

(c) in sub-section (3), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 18].

Jammu and Kashmir and Ladakh (UTs).—

Section 68.-For section 68, substitute the following section, namely:–

1. Subs. by Act 18 of 2023, s. 2 and Schedule for the marginal heading (w.e.f. 15-11-2023).
2. Subs. by the A.O. 1950, for "Provincial Government".
4. Subs. by Act 18 of 2023, s. 2 and Schedule for ", and" (w.e.f. 15-11-2023).
5. Ins. by s. 2 and Schedule, *ibid*. (w.e.f. 15-11-2023).

68. Power to compound offences.—(*1*) The Government may, by notification in the Official Gazette, empower any forest officer not below the rank of Assistant Conservator of Forests-

(*a*) to accept from any person against whom a reasonable suspicion exists, that he has committed any forest offence involving damage not exceeding fifty thousand rupees, 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:

Provided that the sum of money accepted by way of compensation shall in no case be less than double the amount involved in the loss caused by such offence; and

(*b*) when any property has been seized as liable to confiscation, release the same on payment of the value thereof, in addition to the compensation referred to in clause (*a*) of this subsection, as estimated by such officer.

(*2*) On the payment of such compensation and such value, 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.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Tripura

Amendment of Section 68(3).—In sub-section (3) of section 68 of Principal Act, for the words "hundred rupees" and the words "fifty rupees" the words "one thousand five hundred rupees" and "five thousand rupees" respectively shall be substituted.

[*Vide* Tripura Act 5 of 1991, s. 3]

Uttar Pradesh

Amendment of section 68—

(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" the words "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" shall be substituted.]

[*Vide* Uttar Pradesh Act 1 of 2001, s. 16]

Amendment of Sections 68 of Act XVI of 1927- In sub-section (3) of Section 68 of the principal Act, for the word "fifty" the words "five hundred" shall be substituted.

[*Vide* Uttar Pradesh Act XXI of 1960, s. 8]

Uttarakhand

Amendment of section 68.—In section 68 of the principal Act, in sub-section (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" the words "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" shall be substituted.

[*Vide* Uttarachal Act 10 of 2002, s. 15]

Substitution of section 68 of Act XVI of 1927.—For section 68 of the principal Act, the following shall be substituted, namely:-

"68. Power to compound offences.--(1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, empower a Forest Officer-

(a) to accept from any person about 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 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 the 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 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 is in receipt of a monthly salary amounting to at least one hundred rupees, 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 five hundred rupees.".

[*Vide* Maharashtra Act VI of 1961, s. 13]

Bihar

Substitution of Section 68 of Act XVI, 1927.—For Section 68 of the said Act the following shall be substituted; 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 (I) 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."

[*Vide* Bihar Act 9 of 1990, s. 9]

69. Presumption that forest-produce belongs to [1][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 [1][Government], such produce shall be presumed to be the property of the [1][Government] until the contrary is proved.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 69.-For the words, "contrary is proved", substitute the words "contrary is proved by the accused".

Section 69-A.-After section 69, insert the following section, namely:-

69-A. Double penalties for offences.—The penalties which are double of those mentioned under the provisions of this Act or rules framed thereunder shall 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.

1. Subs. by the A.O. 1950, for "Crown".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

CHAPTERX

CATTLE-TRESPASS

70. Cattle-trespass Act, 1871, to apply.—Cattle trespassing in a reserved 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 1[State Government] may, by notification in the 2[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 camel…… buffalo or ….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……..... ....eightannas.

STATE AMENDMENTS

Maharashtra

Amendment of section 71 of Act 16 of 1927.—In section 71 of the principal Act,—

(*a*) for the words "ten rupees" the words "Two hundred rupees" shall be substituted;

(*b*) for the words "two rupees" the words "Two hundred rupees" shall be substituted;

(*c*) for the words "one rupees" the words "Two hundred rupees" shall be substituted;

(*d*) for the words "fifty nayepaise" the words "One hundred rupees" shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 19].

Jammu and Kashmir and Ladakh (UTs).—

Section 71.—For the words "ten rupees", "two rupees", "one rupee" and "eight annas", substitute the words "one thousand rupees", "two hundred and fifty rupees", "one hundred rupees" and "fifty rupees" respectively.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Maharashtra

Amendment of section 71 of Act XVI of 1927.—In section 71 of the principal Act, for the the words "eight annas" the words "fifty naye paise" shall be substituted.

[*Vide* Maharashtra Act VI of 1961, s. 14]

CHAPTER XI
OF FOREST-OFFICERS

72. State Government may invest Forest-officers with certain powers.—(*1*) The [1][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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 72.-For section 72, substitute the following section, namely;

72. Government of Union territory of Jammu and Kashmir may invest Forest officers with certain powers.- (1) The forest officers shall have the following powers, namely:-

(*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 hold an inquiry into forest offences and in the course of such inquiry, to receive and record evidence; and

(*d*) power to issue search warrants under the Code of Criminal Procedure, 1973 (2 of 1974): Provided that powers under clause (*b*) and (*c*) shall not be exercised by a forest officer below the rank of a Range Officer:

Provided further that the powers under clause (*d*) shall not be exercised by a forest officer below the rank of a Divisional Forest Officer.

(*2*) Any evidence recorded under clause (*c*) of sub-section (*1*) shall be admissible in any subsequent trial before a Magistrate, if that it has been taken in the presence of the accused person.

(*3*) Any forest officer not below the rank of a Range Officer may delegate his powers of inquiry to an officer of the rank of Forester if the offence is compoundable under section 68 of this Act.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

STATE AMENDMENT

Maharashtra

Amendment of section 72.—In section 72 of the principal Act, in sub-section (1), in clause (c), for the words and figures “Code of Criminal Producer, 1898” the words and figures “the Code of Criminal Procedure, 1973” shall be substituted.

[*Vide* Maharashtra Act VII of 1985, s.21]

1. Subs. by the A.O. 1950, for “Provincial Government”.

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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 74.-For section 74, substitute the following section, namely:-

74. Indemnity for acts done in good faith.—(*1*) No suit, prosecution or other legal proceedings 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.

(*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 the previous sanction of the Government of Union territory of Jammu and Kashmir.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Substitution of section 74—For section 74 of the principal Act, the following section shall be substituted, 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."

[*Vide* Uttar Pradesh Act 1 of 2001, s. 17]

Uttarakhand

Substitution of section 74.—For section 74 of the principal act the following section shall be substituted, 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.".

[*Vide* Uttarakhand Act 10 of 2002, s. 16]

75. Forest-officers not to trade.—Except with the permission in writing of the [1][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 or any forest or in any contract for working any forest, whether in or outside [2][the territories to which this Act extends].

CHAPTER XII
SUBSIDIARY RULES

76. Additional powers to make rules.—The [1][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;

1. Subs. by the A.O. 1950, for "Provincial Government".

2. Subs. by the A.O. (No. 3) 1956, for "Part A States and Part C States".

(*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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 76A.—After section 76, insert the following section, namely:-

76A. Power to regulate manufacture and preparation of articles based on forest produce.-(1) The Government of Union territory of Jammu and Kashmir may make rules,–

(*a*) to provide for the establishment, and regulation by licence, permit or otherwise (and the payment of fees thereof), of saw mills, timber depots, firewood depots and other units including the factories or industries engaged in the consumption of forest produce or manufacture or preparation of the following articles:-

(*i*) katha (catechu) or kutch out of khairwood;

(*ii*) rosin, turpentine, other products out of resin, and wood oil;

(*iii*) plywood, veneer and wood-based products;

(*iv*) match boxes and match splints;

(*v*) boxes including packing cases made out of wood;

(*vi*) joinery and furniture items made out of wood;

(*vii*) charcoal, lime stone and gypsum;

(*viii*) such other articles based on forest produce as the Government of Union territory of Jammu and Kashmir 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 material for the preparation of articles mentioned in clause (*a*), the payment and deposit of fees therefor and for due compliance of the condition thereof, the forfeiture of the fees so deposited or any part thereof for contravention of any such condition and adjudication of such forfeiture by such authority as the Government of Union territory of Jammu and Kashmir may, by notification, specify.

(*2*) The Government of Union territory of Jammu and Kashmir may provide that, as the contravention of any rules made under this section shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or both.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).]

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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 77.—For the words "extend to one month, or fine which may extend to five hundred rupees", substitute the words "extend to two years or with fine which may extend to twenty five thousand rupees".

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 77.—In section 77 of the principal Act, for the words "one month, or fine which may extend to five hundred rupees", the words "one year, or with fine which may extend to two thousand rupees", shall be substituted.

[*Vide* Uttar Pradesh Act 1 of 2001, s. 18]

Uttarakhand

Amendment of section 77.—In section 77 of the principal Act for the words "one month, or fine which may extend to five hundred rupees" the words "one year, or with fine which may extend to two thousand rupees" shall be substituted.

[*Vide* Uttarakhand Act 10 of 2002, s. 17]

78. Rules when to have force of law.—All rules made by the [1][State Government] under this Act shall be published in the [2][Official Gazette], and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

STATE AMENDMENT

Uttar Pradesh

Substitution of new section for section 78.—For section 78 of the principal Act, the following shall be substituted, 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, laid before each House of the State Legislature, while it is in session, for total period of fourteen days which may be comprised in its one session or in two or more successive sessions and shall, unless some latter 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."

[*Vide* Uttar Pradesh Act XXIII of 1965, s. 15]

Maharashtra

Amendment of section 78 of Act XVI of 1927.—Section 78 shall be renumbered as sub-section (1) of that section and after the sub-section so renumbered, the following sub-section 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 modification 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.".

[*Vide* Maharashtra Act VI of 1961, s. 15]

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 [1][Government], or who receives emoluments from the [1][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 forthwith 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 AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 79.—In sub-section (2), in the long line, 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" substitute the words, "shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees".

Section 79A to 79C.-After section 79, insert the following sections, namely:-

"79-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 forest or protected forest under section 20 or section 29 as the case may be, may, without prejudice to any other 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 a 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 ejectment 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.

1. Subs. by the A.O. 1950, for "Crown".

(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 sixty days from the date of such order prefer an appeal by petition in writing to the concerned Chief Conservator of Forests in person or through a duly authorized agent and such petition shall be accompanied by a certified copy of the order appealed against.

(4) On receipt of the appeal and after summoning the parties and perusing the record of the proceedings, the Chief Conservator of Forests shall fix a date and convenient place for hearing the appeal and shall give notice thereof to the parties, and shall hear the appeal accordingly.

(5) The order passed on the appeal by the Chief Conservator of Forests shall be final.

79B. Summary action by Deputy Commissioner in fire cases.—If in any case under clauses (*a*) and (*b*) of sub-section (*1*) of section 79, it appears to the Deputy Commissioner of the district within which the forest concerned is situated after local enquiry made in a summary and administrative manner, either by himself, or through a Tehsildar deputed by him for the purpose, that any such person or village or other community has neglected to give such information or to render such assistance as is required thereby, he may impose a fine not exceeding one thousand rupees on, as well as direct payment of compensation for damage to Government's property by, such person, village or other

community or such individual member of such village or other community as may be determined in consultation with the Divisional Forest Officer and all fines imposed under this section shall be recoverable as arrears of land revenue.

79C. Appeal against order of Deputy Commissioner.—An appeal against every order passed under section 79B may be made to the concerned Divisional Commissioner whose decision thereon shall be final.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, Order No. S.O.3774(E), dated (23-10-2020).]

Uttar Pradesh

Amendment of section 79—In section 79 of the principal Act, for the words "one month, or fine which may extend to five hundred rupees", the words "one year, or with fine which may extend to two thousand rupees", shall be substituted.

[*Vide* Uttar Pradesh Act 1 of 2001, s. 19]

Uttarkhand

Amendment of section 79.—In section 79 of the principal Act, in sub-section (2) for the words "one month, or with fine which may extend to two hundred rupees", the words "one year, or with fine which may extend to one thousand rupees", shall be substituted.

[*Vide* Uttaranchal Act 24 of 2014, s. 18]

Bihar

Amendment of sub-section (2) of Section 79 of Act XVI, 1927.—In sub-section (2) of Section 79 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" the following words shall be *substituted*; 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."

[*Vide* Bihar Act 9 of 1990, s. 10]

80. Management of forests the joint property of [1][Government] and other persons.—(*1*) If the [1][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 [2][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 [2][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 [3][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.

STATE AMENDMENT

Uttar Pradesh

Insertion of new section 80-A in Act XIV of 1927—After section 80 of Indian Forest Act 1927, the following shall be added as a new section 80-A:

"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 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."

[*Vide* Uttar Pradesh Act XVIII of 1951, s. 2]

Maharashtra

Insertion of new section 80-A in Act XVI of 1927.—After section 80 of the said act, the following section shall be inserted namely:-

"**80-A. Power of Government to apply provisions of this Act to pertain lands of Government or local authority**.—The State Government, may be 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."

[*Vide* Bombay Act XXIV of 1955, s. 6]

81. Failure to perform service for which a share in produce of [1]**[Government] forest is employed.**—If any person be entitled to a share in the produce of any forest which is the property of [1][Government] or over which the [1][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 [2][State Government] that such service is no longer so performed:

Provided that no such share 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 [2][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.

1. Subs. by the A.O. 1950, for "Crown".

STATE AMENDMENTS

Maharashtra

Amendment of section 82 of Act 16 of 1927.—In section 82 of the principal Act, the words and figures "or on account of compensation or value of property agreed to be paid under section 68" shall be deleted.

[*Vide* Maharashtra Act 21 of 2015, s. 20].

Orissa

Amendment of section 82, (16 of 1927).—For section 82 of the Indian Forest Act, 1927 (16 of 1927), the following section shall be substituted, namely:—

"82. All money, other than fines, payable to the State Government under this Act, or any rules made thereunder, or on account of timber or other forest produce, or of expenses incurred in the execution of this Act in respect 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 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."

[*Vide* the Orissa Act 25 of 1952, s. 2]

Jammu and Kashmir and Ladakh (UTs).—

Section 82.-For section 82, substitute the following section, namely:–

"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 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 there under 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

authority of a forest officer and all compensation awarded to the Government under this Act shall, 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.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

Section 82-A to 82-H.—After section 82, insert the following sections, namely:-

82-A. Recovery of penalties due under a bond.—When in respect of any forest lease any person 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 servant and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof shall notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

82-B. Restoration of advantage or benefit or payment of compensation.—Notwithstanding anything contained in this Act or in the Indian Contract Act, 1872, or in any other law for the time being in force,–

(*a*) where any transaction or lease relating to sale of forest produce or extraction of timber from any forest is or is discovered to be void only on the ground that the transaction or lease is not in conformity with the provisions of article 299 of the Constitution of India or any order or direction issued thereunder, any person who has received any advantage or has enjoyed any benefit by virtue of such transaction or lease shall be bound to restore it or to make compensation for it, to the person or party from whom he received it;

(*b*) the extent of any advantage or benefit or the amount of compensation payable in lieu thereof, referred to in clause (*a*), shall be determined in accordance with the provisions of this Act and the value of the advantage or benefit or the amount of compensation so determined shall be recoverable as arrears of land revenue.

82-C. Constitution of Authority.—For the purposes of determining the extent of advantage or benefit or the value thereof or the amount of compensation under section 82-B, the Government of Union territory of Jammu and Kashmir shall, by notification in the Official Gazette, constitute, as and when necessary, an Authority consisting of one or more members having such qualification and experience and on such terms and conditions as may be prescribed and where the Authority consists of more than one member, one of them may be appointed as Chairperson thereof.

82-D. Powers of the Authority.—(1) The Authority shall, for purposes of holding inquiry for determining the extent of advantage or benefit or value thereof or the amount of compensation, as the case may be, under section 82-B, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:–

(*a*) summoning and enforcing the attendance of any person or witness and examining him on oath or solemn affirmation;

(*b*) requiring the discovery or production of any document relating to the subject matter of inquiry;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof relating to the subject matter of inquiry from any court or office; and

(*e*) issuing commissions for examination of witnesses, documents or other books of accounts relating to the subject matter of inquiry.

(*2*) The Authority shall also have power to issue a commission to such person as it considers fit for local investigation which may be requisite or proper for the purpose of elucidating any matter which is the subject matter of inquiry or of ascertaining the market value of any property.

(3) The person directed to execute a commission for any purpose under this section shall have all the powers of a commissioner appointed by a Civil Court in pursuance of the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

(4) The Authority shall have the power to pass such orders as it thinks fit for the seizure, attachment, management, preservation, interim custody or sale of any forest produce or timber (wherever it may be in the State) which may be the subject matter of proceedings before it including the appointment of a receiver for any of the aforesaid purposes.

82-E. Restriction on alienation. —(1) Notwithstanding anything contained in any law for the time being in force,–

(*a*) where at any stage of the inquiry, the Authority is satisfied by affidavit or otherwise that a person liable to restore any advantage or benefit or to pay compensation in lieu thereof under any transaction or lease referred to in section 82-B, is likely to alienate his movable or immovable property with intent to evade payment or to defeat the recovery, of the advantage or benefit or the value thereof or the amount of compensation, that may be determined by him, it may by order in writing direct that such person shall not alienate his movable and immovable property or such portion thereof, as it may specify in the order, during the pendency of the inquiry;

(*b*) any alienation of property made in contravention of any order or direction issued under clause (*a*) shall be void, and no transferee of such property shall be deemed to have acquired any right, title or interest therein.

Explanation.–For the purposes of this section "alienation" includes mortgage, sale, gift, bequest, *benami* transaction, family settlement or any other mode of transfer of any right, title or interest in the property.

(*2*) For removal of doubts it is hereby declared that restrictions imposed under this section on the rights conferred by clause (*1*) of article 19 of the Constitution of India shall be deemed to be reasonable restrictions.

82-F. Procedure to be followed by the Authority.—(1) The Authority shall, subject to any rules made by the Government of Union territory of Jammu and Kashmir in this behalf, have power to regulate its own procedure in all matters arising out of or connected with the discharge of its functions, in consonance with the principles of natural justice.

(2) The parties shall have a right of being represented by counsel.

82-G. Appeal.—(1) Any person aggrieved by a final order of the Authority, determining the extent of advantage or benefit or value thereof or the amount of compensation under section 82-B, may, within thirty days of the date of the order, file an appeal against such order before the High Court and every such appeal shall be heard by a Division Bench of the High Court.

(2) No other order of the Authority shall be appealable.

(3) The order of the Authority shall, subject to the decision of the High Court under sub-section (1) in appeal, be final and shall be deemed to be a certificate within the meaning of section 90 of the Jammu and Kashmir Land Revenue Act, 1996.

(4) No further appeal shall lie against the decision of the High Court.

82-H. Exclusion of jurisdiction of Civil Court.—No Civil Court shall have jurisdiction to entertain any suit or other proceeding in respect of any matter which the Authority has taken cognizance of under section 82-B.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).]

Uttar Pradesh

Substituted of section 82—For section 82 of the principal Act, the following section shall be, substituted, namely:--

"82. Recovery of moneydue 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."

[*Vide* Uttar Pradesh Act 1 of 2001, s. 20]

Uttarakhand

Substitution of section 82.—For section 82 of the principal act the following sections shall be substituted, namely:--

"82. Recovery of money due to State Government.—All money, other than fines, payable to the State Government under this Act or 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.".

[*Vide* Uttarkhand Act 10 of 2002, s. 19]

Maharashtra

Amendment of section 82 of Act XVI of 1927.—In section 82 of the principal Act, after the words "such produce", the words and figures "or on account of compensation or value of property agreed to be paid under section 68" shall be inserted.

[*Vide* Maharashtra Act VI of 1961, s. 16]

Haryana

Substitution of section 82 of Central 1 Act 16 of 1927.—

"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.".

[*Vide* Haryana Act 12 of 1973, s. 2]

83. Lien on 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].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 83A.—After section 83, insert the following section, namely:–

83A. Restriction on alienation.—(1) Notwithstanding anything contained in the Transfer of Property Act 1882, or in any other law for the time being in force, no property offered by a forest lessee or by any other person on behalf of a forest lessee, as security for payment of royalty, interest, compensation, penalty or any other amount chargeable from the forest lessee, under any lease deed, bond or instrument shall be alienated without the previous permission of the Government of Union Territory of Jammu and Kashmir, till such time as the Chief Conservator of Forests certifies that such forest lessee has duly performed all the obligations devolving upon him under such lease deed, bond or instrument.

(2) Any alienation of property made in contravention of sub-section (1) shall be void, and no transferee of such property shall be deemed to have acquired any right, title or interest therein.

(3) Any amount of royalty, interest, compensation or penalty or any other sum falling due from a forest lessee under any lease deed, bond or instrument shall be recoverable as arrears of land revenue in accordance with the law for the time being in force, from the property offered by him or on his behalf as security and from any other movable or immovable property owned by the forest lessee.

Explanation.—For the purposes of this section,

(*a*) "alienation" includes sale, gift, exchange, bequest, mortgage, benami transaction, family settlement or any other mode of transfer of any right, title or interest therein or creation of any encumbrance threreon;

(*b*) the expression "forest lessee" shall be construed to mean a person in whose favour a right to convert and remove forest produce from any forest has been granted under any lease deed, bond or instrument.

(4) For removal of doubts it is hereby declared that restriction imposed under this section on the rights conferred by clause (*1*) of article 19 of the Constitution of India shall be deemed to be reasonable restrictions.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

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).

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 84A.-After section 84, insert the following section, namely: —

84A. Application of the Act to land.—The 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 Government of the Union territory of Jammu and Kashmir or the Central Government, and thereupon such provisions shall apply to such land accordingly.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification

No. S.O. 1123(E) dated (18-3-2020) and Vide Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O.3774(E), dated (23-10-2020).]

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 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 AMENDMENT

Maharashtra

Amendment of section 85 of Act XVI of 1927.—Section 85 of the Indian Forest Act, 1927, shall be renumbered, as sub-section (1) of that section, and after sub-section (1) so renumbered the following sub-section shall be added, 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 objections (if any), be decided by an officer, not below the rank of a Divisional Forest Officer, authorized by the 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 suchofficer, subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final." [*Vide* Bombay Act X of 1956, s. 2]

Amendment of section 85 of Act XVI of 1927.—In sub-section (2) of section 85 of the Indian Forest act, 1927 (XVI of 1927), for the words "Divisional Forest Officer" the words "Sub-Divisional Forest Officer" shall be substituted.

[*Vide* Bombay Act XXVI of 1957, s. 2]

[1] [**85A. Saving for rights of Central Government.**—Nothing in this Act shall authorise 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*].—*Rep. by the Repealing and Amending Act,* 1948 (2 *of* 1948), *s.* 2 *and the Schedule.*

1. Subs. by the A.O. 1950, for section 85A.Earlier it was inserted by the A.O. 1937.