THE KARNATAKA FOREST ACT, 1963

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STATEMENTS OF OBJECTS AND REASONS

I

Act 5 of 1964.—There are at present different forest laws in force in the five integrating parts of the Mysore State. As it is administratively difficult and inconvenient to enforce different laws in different parts, the present bill has been prepared to bring uniformity of forest laws throughout the State.

The more important provisions in the Bill are the following:—

Provision has been made in the Bill for control over forests and lands not being the property of the Government, in Chapter V on the lines of the provisions now in force in the Bombay and Madras areas. The object is to prevent private owners from recklessly exploiting the tree growth and forest produce with the sole idea of making immediate and huge profits, without regard to ensuring sustained yield for the benefit of the community in future. There is power to assume management of forests in certain circumstances. In Chapter X, provision has been made that all sandal trees which may grow in any land after the date of commencement of this Act will be the exclusive property of Government and exploitation of all sandalwood trees, the rights over which is alienated, should be done by the Forest Department only on behalf of the owner. These

provisions are made to prevent smuggling of sandalwood. Special provisions relating to catechu, an important commercial produce, is made in Chapter XI.

II

Amending Act 23 of 1974.—It is proposed to include ramapatra and shigakai within the definition of forest produce.

To prevent theft and illicit felling of Government trees it is considered necessary to make certain forest offences cognizable and to enhance the punishment. A separate provision is made in respect of offences relatable to rosewood (blackwood or bite) and power has been taken to regulate by rules the cutting, sale etc. of such trees.

The courts have held that section 50(2) (*k*) empowers making of rules prohibiting absolutely or subject to conditions the establishment of saw mills etc., within certain specified local limits and not throughout the State. It is considered necessary to take power to make such rules in respect of the whole of the State of Mysore.

The courts have held that the Act does not provide for regulating the existing saw pits and saw mills and to levy licence fees in respect of saw pit and saw mill

licences. It is considered necessary to regulate the working of the existing saw mills and saw pits and to levy necessary licence fees.

It is considered necessary to get a resolution to that effect passed by both Houses of the State Legislature before issuing a notification under section 28 declaring that a reserved forest shall cease to be a reserved forest.

Hence this Bill.

III

Amending Act 15 of 1976.—By promulgating the Karnataka Forest (Amendment) Ordinance, 1975, on 24th December 1975 and bringing it into force from that date, Government of Karnataka have imposed the levy of Forest Development Tax at the rate of 5% on the amount consideration paid in respect of forest produce disposed off by the State Government by sale or otherwise. The tax levied and collected under this Ordinance is to be credited to the Consolidated Fund of the State, in the first instance, and thereafter transferred to the Karnataka Forest Development Fund. The amount at the credit of this fund is to be expended for the raising of forest plantations and other ancillary purposes.

The provisions made in the Budget of the Forest Department for raising plantations are not sufficient. There is at present acute shortage of timber, firewood and raw material for the forest based industries. It is expected that in the near future, there will be famine of forest raw material including timber, firewood for fuel and other industrial raw material. Hence, it is necessary to take timely steps to raise plantations more intensively in order to increase the availability of raw material on sustained yield basis.

Hence, it is necessary to create the Forest Development Fund exclusively for raising forest plantations.

IV

Amending Act 50 of 1976.—Several measures have been undertaken by the Forest Department to intensify control of smuggling of forest produce. The Forest Act has also been amended enhancing the punishment limits covering forest offences. Inspite of the these steps because of the exceedingly high value fetched by certain items of forest produce like rosewood, sandalwood, ivory, etc., smuggling persists. There is provision in the Forest Act to seize the vehicles, tools, etc., used

in committing of such offences but thereafter the case has to be taken up under normal provisions of the Forest Act. It has been the experience that invariably in the forest offence cases either due to the benefit of doubt or due to the lack of proper legal expertise the vehicles are ordered to be released. It is now proposed to empower Forest Officers of and above the rank of Assistant Conservators of Forests to order confiscation of the Vehicles involved in smuggling after going through quasi-judicial formalities. The final appellate authority is proposed to be the District Judge having jurisdiction over the area.

V

Amending Act 15 of 1978.—There are a large number of cases of encroachments in forest areas. It has been decided that the encroachments in the interior of forests should be cleared and the encroachers evicted. But lands under encroachments on the periphery of the forest or near the 'D' line of the forests and in shrubby forest areas without valuable tree growth be transferred to the Revenue Department for regularisation in deserving cases of encroachments, or for resettling the encroachers who have been evicted from the thick forest areas. In such cases it is considered not necessary to obtain the approval of the Houses of the Legislature.

As the Karnataka Legislative Council was not in session and as the matter was urgent an Ordinance was promulgated. This Bill seeks to replace the said Ordinance.

VI

Amending Act 14 of 1980.—To augment the revenue of the State and to further rationalise the taxation structure, it is proposed to make certain amendments to the Karnataka Entertainments Tax Act, 1958, the Karnataka Forest Act, 1963 and the Karnataka Sales Tax Act, 1957.

Hence the Bill.

VII

Amending Act 1 of 1981.—The existing provisions of section 71-A of the Karnataka Forest Act confers powers on the authorised forest officers referred to therein to make an order of confiscation. This does not take away the jurisdiction of

the Magistrate to make an order of release of the seized vehicle under the provisions of Criminal Procedure Code pending orders of confiscation by the authorised officer. The intention of section 71-A is to bring in a deterrent effect of confiscating the vehicles used in the commission of sandalwood offences for valid reasons. Due to the concurrent jurisdiction of the Magistrate, the purposefulness of section 71-A gets defeated, when the Magistrate elects to release the vehicle seized and pending orders or confiscation by the authorised officer on merits.

It is also considered necessary to make sandalwood offences non-bailable as at times it may happen that a person arrested may seek relief on bail and it, may be difficult to pursue the case further. It is further found necessary that abettors in sandalwood offences should also be brought under the purview of the Act.

It is considered necessary to give legal backing to seigniorage value fixed by the chief conservator of forest and to authorise him to make such fixation his future.

Hence the Bill.

VIII

Amending Act 7 of 1983.—The Chief Minister in his speech while presenting the Budget Estimates for 1983-84 has indicated that the forest development tax leviable on certain items of forest produce disposed of by the State Government shall be raised to the rate of twelve per cent on the consideration for the sale. The present Bill is intended to bring the said proposal into effect.

IX

Amending Act 11 of 1984.—The Government of India while giving their assent to the Karnataka Forest (Amendment) Bill, 1980 had suggested amendments to sections 68, 86, 87 of the Karnataka Forest Act to empower the Court to impose lesser sentence of imprisonment and fine.

The agreements entered into with several industries for the supply of forest produce ranged from 5 to 30 years and a few agreements provided for supply of forest produce on assured basis without fully assessing the availability position of the raw material for such long periods and without providing for modification of the terms of the agreement. It is proposed to modify them in certain respects.

The seigniorage rates were revised with effect from 29th June 1982 on the basis of the recommendations of an official committee constituted for the purpose. The

rates fixed from 29th June 1982 are less than the rates which came into force on 23rd February 1981. In view of the anomaly that the earlier rates for the period from 23rd February 1981 to 29th June 1982 were higher than the rates which came into force from 29th June 1982 the 29th June 1982 rates were decided to be given retrospective effect from 23rd February 1981.

Hence the Bill.

X

Amending Act 10 of 1989.—It is considered necessary to amend the Karnataka Forest Act, 1963,—

(i) to include sandalwood handicraft articles from the definition of the ter "sandalwood" to give relief to the artisans:

(ii) to prohibit unauthorised occupation of land in reserved forest and district forest, for any purpose;

(iii) to provide penalty for unauthorisedly taking possession of any land in protected forest for the land entrusted to the Forest Department for the purpose of afforestation;

(iv) to make it obligatory to obtain licence for possession or storing of sandalwood oil also;

(v) to provide for levy and remittence of forest development tax on the forest produce disposed of by a corporation owned or controlled, or a body notified by the State Government;

(vi) to include, apart from forest development tax, certain other items, in the forest development fund;

(vii) to exempt from payment of seigniorage value in respect of bark for the period from 19th January 1981 to 31st August 1983 and to charge fifty per cent of seigniorage value in respect of eucalyptus or bamboo supplied for the manufacture of news-print for a period of ten years from 1st October 1983.

Certain consequential and incidental changes are also made.

Hence the Bill.

XI

Amending Act 12 of 1998.—It is considered necessary to amend the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) to provide for the following, namely:— (1) To include "sandalwood oil" in the definition of sandalwood;

(2) To define Village Forest Committee and to provide for its constitutions; (3) To provide for levy of fee for grant or renewal of licence for saw mills etc; (4) To require production of Bank guarantee equal to the value estimated by the Forest Officer, before release of property seized under section 62;

(5) To enhance the amount of composition from rupees five thousand to rupees fifty thousand;

(6) To provide for punishment for the acts of the servants of the licensee; And it is considered necessary to amend the Karnataka Preservation of Trees Act, 1976, to provide for,—

(i) to require the Tree Officer to dispose off the application received within a period of three months;

(ii) To provide for cancellation or suspension of permission under certain circumstances;

(iii) to prohibit granting permission under section 8 to fell trees if it involves felling of all trees for cultivation or extension of cultivation of rubber or tea;

Hence the Bill.

(Obtained from L.C. Bill No. 5 of 1997 (File No. DPAL 53 LGN 97).)

XII

Amending Act 20 of 2000.—The Karnataka Forest and Certain Other laws (Amendment) Bill, 1999 so far it relates to the Karnataka Forest Act, 1963 provides,- (1) for investing the Forest Officers with the similar powers as conferred on an officer-in-charge of a Police Station in the matter of investigating under the Code of Criminal Procedure, 1973 and to treat the report of such Forest Officer as a report for the purpose of section 190 of the said Code;

(2) that a certificate issued by the Forest Officer shall be evidence in respect of forest produce;

(3) for prevention of commission of offences;

(4) for issue of a certificate by the Conservator of Forest for recovery of tax, royalty etc., due under the Act and for treating it as a decree of a Civil Court;

(5) for requiring sanction of institute a suit or prosecution in respect of acts done under colour of duty by a Forest Officer;

Further, it is proposed to amend the Karnataka Preservation of Trees Act, 1976 to invest the tree officer with the powers of an officer-in-charge of a Police Station in the matter of investigation under the Code of Criminal Procedure, 1973 and to treat his report as a report for the purpose of section 190.

Hence the Bill.

(Obtained from L.A. Bill No. 13 of 1999)

XIII

Amending Act 20 of 2001.- In the Budget Speech of 2001-2002 it was anounced that amendments to the Karnataka Forest Act, 1963 will be brought to remove the restrictions on the growing of sandalwood trees in private land in order to encourage public to grow sandal wood in their land.

It is proposed to amend the definition of "Divisional Forest Officer" as this post is redesignated as "Deputy Conservator of Forest" and to include "Additional Principal Chief Conservator" in the definition of "Forest Officer".

It is also proposed to modify the provisions of penalty in respect of Forest offences relating to sandalwood by enhancing the imprisonment from seven years to ten years and fine from Rupees twenty five thousand to Rupees one lakh.

Hence the Bill.

(Obtained from LA Bill No. of File No. DPAL 30 SHASANA 2001)

XIV

Amending Act 24 of 2009.-At present there is no provision to levy interest on Forest Development Tax as per section 98A of the Karnataka Forest Act, 1963 on belated payment of Forest Development Tax. The Sales Tax and Income Tax Departments are charging interest on Sales Tax and Income Tax @ 24% per annum for belated payment of dues. To regulate the payment of Forest Development Tax, levy of interest at the rates prescribed from time to time is proposed by issue of amendments to section 98A and section 98B of the Karnataka Forest Act, 1963. This is in the interest of timely payment of Government dues and to ensure consistency in the flow of revenue to State Exchequer. The levy of interest will act as a deterent to delayed payment of Forest Development Tax.

Hence, the Bill.

[L.A.Bill No.26 of 2009, File No.8 Shasana 2007]

[Entry 17A of List III of the Seventh Schedule to the Constitution of India]

XV

Amending Act 41 of 2015.- It is considered necessary to amend the Karnataka Forest Act, 1963, (Karnataka Act 5 of 1964) to,-

(1) Increase the forest development tax;

(2) Utilize the Forest Development fund for all activities related to development and management of forests wildlife.

Hence, the Bill.

[L.A. Bill No. 39 of 2015, File No. Samvyashae 20 Shasana 2015]

[Entry 17A of List III of the Seventh Schedule to the Constitution of India.]

XVI

Amending Act 23 of 2016.-

1. It is considered necessary further to amend the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) (hereinafter called the Act) to remove doubts regarding the nature, ambit and scope of the levy of Forest Development Tax (FDT). As explained below, the objects of this amendment Bill, to be made retrospective from the 16th day of August, 2008, are:-

(i) to declare the meaning and purpose of the words “a body notified by the State Government” occurring in section 98A;

(ii) to re-state the nature of levy and declare that it is in the nature of a fee;

(iii) to validate the collection of Forest Development Tax or Forest Development Fee from 2008 onwards.

2. The amendments to sections 98A and 98B are being made retrospectively from 16th day of August, 2008 when Notification No.FEE 248 FDP 2006 dated 16-08-2008 Bangalore was issued. Although section 98A came into force from 24.12.1975, the present amendment is being made retrospectively only from the date of this notification to avoid unnecessary hardship to entities who are covered by Chapter XI-A of the Forest Act, 1963.

3. Section 98A of the Act was amended to include the words "or by a corporation, owned or controlled by or a body notified by the State Government" by Amendment Act 10 of 1989. The said amendment was made with the intention of including all persons, who are disposing of forest produce by way of sale or otherwise, including State-owned and controlled corporations as well as entities

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such as private individuals, firms, companies or anybody else, within the purview or ambit of the levy under section 98 A of the Act. The latter category, which were neither State-owned nor State controlled, were intended to be included within the expression "a body" in section 98A(1). This was done with the object of augmenting revenue for the purpose of "afforestation", amelioration of environment, enhancing the tree cover and activities ancillary thereto as mandated under Section 98B by levying a fee on disposal of forest produce.

4. Thus, the intention of the legislature was always to ensure that all entities whether State-owned, State-controlled or not, that were disposing of forest produce by way of sale or otherwise were brought within the purview or ambit of the levy of Forest Development Tax (FDT). There was never an intention of restricting the statutory mandate of collecting and paying the levy only to State Government and its Undertakings and excluding all non-Government entities and undertakings of the Central Government. It was never the intention of the Legislature that Forest Development Tax was to be collected only when entities acted together as an association or conglomeration. Indeed, such an interpretation would not only defeat the object of amending section 98A but also seriously jeopardize the programmes for development and regeneration of forests in the State of Karnataka.

5. The State of Karnataka issued Notification No.FEE 248 FDP 2006 dated 16.8.2008 under Section 98A(1) of the Act whereby all lease-holders of mines and quarries situated in the forest area were notified in exercise of the powers conferred by section 98A(1). The validity of this notification and certain other issues came up for consideration before the Division Bench of the Karnataka High Court in W.P. No 2462 of 2009 (and other connected matters) and the judgment was rendered on 03.12.2015.

The Hon'ble High Court, *inter alia,* was pleased to quash the notification on the ground that the expression "*a body"* would not include leaseholders of mines and quarries, whether as an individual or as other juristic entity. According to the Hon'ble High Court, leaseholders could be individuals, partnership firms, societies, co-operative societies, companies incorporated under the Companies Act or any other association or persons. Unless all of them constituted themselves into "a body", which would inevitably be a juristic entity having a legal persona, such as a federation in which the leaseholders are members, or a company, wherein they are

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shareholders, or, a society, wherein they are members and one of the activities of such federation or company or society is disposal of minerals as forest produce

by sale or otherwise, they could not be treated as a body that could be notified by the State Government.

Thus, independent or separate lease holders, whether they are private individuals or partnership firms or companies or any other juristic entity, could not be construed to come within the expression "a body" under sub-section (1) of Section 98-A of the Act. This interpretation has resulted in numerous leaseholders of mines and quarries situated in forest area not being liable to collect and pay the "forest development tax" (FDT). This was clearly never the intention of the legislature because the word *"a body"* was never intended to apply to only juristic entities consisting of a conglomeration of leaseholders, either as individuals or companies or firms and so on. It is also clear that lease holders of mines and quarries situated in forest area will never collectively act as an association or a conglomerate while purchasing or selling or disposing of forest produce.

6. It is, therefore, necessary to amend section 98A(1) retrospectively and declare that the word "a body" included and, has always included, even leaseholders of mines and quarries situated in forest area even if they did not constitute themselves collectively, as a federation, company or society or an association of persons.

Significantly, the Hon'ble High Court has accepted this view that the expression "a body" will include any autonomous or private body in which the State Government did not have any control in any manner whatsoever. The proposed amendments are intended to declare that all lease-holders of mines and quarries in forest area come within the definition of "a body" and are liable to collect and pay Forest Development Tax or Forest Development Fee as this levy is critical for the development and regeneration of forests. The proposed amendments will cure the infirmity and remove the defect which was found in the existing provisions. The Bill also contains a validation clause that is dealt with later.

Tax and Fee:

7 In *Guru Siddappa v State of Karnataka* AIR 1981 Kar 216, the Division Bench of the Karnataka High Court had held that the Forest Development Tax (FDT) levied on the purchase price of forest produce was within the legislative competence of the State under Entry 54 of List-II and constitutionally valid. Although the unamended section 98A(1) refers to the levy of a tax, the impost is

more in the nature of a fee. The amount collected by way of forest development tax is earmarked for development and regeneration of forest and does not go to the general revenue of the State to be spent for general public purpose. This is also made clear by section 98B of the Act which specifies that the Forest Development Tax (FDT) and interest that is levied and collection under section 98A will form part of the Karnataka Forest Development Fund. The Forest Development Tax (FDT) and other amounts specified in section 98B(2), although credited to the Consolidated Fund of the State, is later appropriated and transferred to the aforesaid Karnataka Forest Development Fund.

8 In *State of Maharashtra v Salvation Army* AIR 1975 SC 846, the Supreme Court held that an impost which initially was in the nature of a fee would subsequently assume the characteristics of a tax.

The converse is equally true. The decision of the Karnataka High Court was rendered in 1981 and Forest Development Tax (FDT) was treated as a tax coming within Entry 54 of List-II.

9 Since the Forest Development Tax (FDT), as a fee, will be levied at the time of disposing by way of sale or otherwise of forest produce, the fee is being levied in exercise of the powers of the State Legislature under Entry 66 of List-II of Schedule VII of the Constitution. In *Corporation of Calcutta v. Liberty Cinemas* AIR 1965 SC 1107. Hon'ble Supreme Court held that the fee can also be under an enactment relatable to the imposition of a tax. In any event, the State Government has the authority to levy such fee under Entry 47, List III.

Validation:

10 .1 The State Government has levied and collected more than Rupees 3500 crores as Forest Development Tax (FDT) after the impugned notification was issued in 2008. All the petitioners in the above judgment conceded that they were disputing the levy only upto 2011. However, it is proposed to validate such collections both by the lease holders of mines and quarries situated in forest area and by the Monitoring Committee, from the purchasers of minerals till date. The present Bill seeks to achieve the objects as mentioned above and also to provide for the validation of the levy and collection of Forest Development Tax (FDT). Clause 6 of the Bill, *inter alia,* provides that any demand and/or any action taken under the provisions of the Act as in existence prior to this amendment Bill shall be deemed to have taken or levied under the new law after the

amendment. This will validate the demand made by deeming it to have been made under the amended law and thus protect the revenue of the State. This Bill thus cures the infirmity and removes the defect found in the existing provisions and makes adequate provisions in the validation clause for a valid imposition of the Forest Development Tax and Forest Development Fee.

10.2 The State Government proposes to recompute the Forest Development Fee as per prescribed rules or guidelines. If the demand as computed as per new rules or guidelines is lesser than the amount of Forest Development Fee demanded under the erstwhile section 98A or any notification issued thereunder, the lesser amount will be payable as Forest Development Fee.

10.3 A provision is also proposed to exempt or reduce Forest Development Tax (FDT) or Forest Development Fee by Government by notification prospectively or retrospectively in public interest by any specific clause of person or in respect of any specified forest produce.

Penalty:

11 It is made clear that no penal proceedings will be commenced as a consequence of the retrospective amendments that are proposed in the Bill. This will also ensure compliance with Article 20(1) of the Constitution.

Rate of Tax or Fee:

12 Demand were raised at the rate of 12% on the disposal of minerals, although section 98A(1) prescribed a rate of 8% tax on forest produce other than those mentioned in the erstwhile proviso and Table thereto. The Karnataka Forest (Amendment) Act, 2015 imposed a levy of 12% but omitted to amend the rate retrospectively. It is now made clear that 8% shall be retrospectively increased to 12% from 16thAugust, 2008 onwards.

Indeed, demands have been made at this rate from16thAugust, 2008.

13 By order dated 02.09.2011 and 23.9.2011, the Supreme Court in WP(C) 562 of 2009 directed that the Monitoring Committee shall collect Forest

Development Tax (FDT) "as applicable". Accordingly, all buyers of iron ore, extracted from the leases in forest area (including the petitioners before the Karnataka High Court in W.P. No. 2642 of 2009 and other connected matters),

have paid Forest Development Tax (FDT) at the rate of 12% to the Monitoring Committee without any protest or demur. No application was ever made to seek a clarification that the applicable rate of Forest Development Tax (FDT) was 8% and not 12%. Accordingly it has been uniformly accepted that Forest Development Tax (FDT) would be 12%. The petitioners before the Karnataka High Court have also restricted their claim only for the period before 23.09.2011. Thus, the rate of Forest Development Tax or Forest Development Fee is retrospectively amended to be 12% from the 16th day of August, 2008.

Rules for computing Forest Development Fee.

14 The rules or guidelines for computing Forest Development Fee are also being finalised. These rules will also have to be applicable retrospectively from 16th day of August, 2008. Accordingly clause 3 of the Bill enables such rules to be inserted with retrospective effect.

Hence the Bill.

[L.A. Bill No. 23 of 2016, File No. Samvyashae 32 Shasana 2016]

[Entry 17A and 47 of List III of the Seventh Schedule to the Constitution of India.]

[1][KARNATAKA ACT][1] No. 5 OF 1964.

February, 1964.)

THE [1][KARNATAKA][1] FOREST ACT, 1963.

(*Received the assent of the President on the Twenty-eighth day of January, 1964.*)

(As Amended by Karnataka Acts 23 of 1974, 15 of 1976, 50 of 1976, 15 of 1978, 14 of 1980, 1 of 1981, 7 of 1983, 11 of 1984, 10 of 1989, 12 of 1998, 20 of 2000, 20 of 2001, 24 of 2009, 41 of 2015 and 23 of 2016.)

An Act to consolidate and amend the law relating to forests and forest produce in the [1][State of Karnataka][1].

WHEREAS it is expedient to consolidate and amend the law relating to forests and forest produce in the [1][State of Karnataka][1];

BE it enacted by the [1][Karnataka][1] State Legislature in the Fourteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the [1][Karnataka][1] Forest Act, 1963.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) It extends to the whole of the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(3) It shall come into force on such [1][date][1] as the State Government may, by notification, appoint.

1. Act has come into force w.e.f. 1.6.1969 by notification. Text of the notification is at the end of the Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

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

[1][(1-A) "Consideration" means the price received or receivable on the sale of forest produce and computed in such manner and shall also include such other amount as may be prescribed by the State Government.][1]

1. inserted by Act 23 of 2016 w.e.f 16.08.2008.

(2) "district forest" includes all land at the disposal of Government not included within the limits of any reserved or village forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purposes:

Provided that it shall be competent for the State Government to modify or set aside such assignment and constitute any such land as reserved, village or district forest, or devote the same to any other purpose it may deem fit;

(3) [1]["Deputy Conservatore of Forest"][1] means the Chief Forest Officer of a Forest Division;

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002 by notification text of notification is at the end of the Act.

(4) "Forest Division" means any area declared as such by a notification by the State Government or by such authority as may be prescribed;

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

(6) "Forest Officer" means any person appointed by or under the orders of the State Government to be the [1][Principal Chief Conservator, [2][Additional Principal Chief Conservator][2] Chief Conservator, Additional Chief Conservator][1], Conservator, Deputy Conservator, Assistant Conservator, Forest Ranger, Forester, Forest Guard or Forest Watcher, or to discharge any function of a Forest Officer under this Act or any rule or order made thereunder to be done by a Forest Officer;

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.
2. Inserted by Act 20 of 2001 w.e.f. 5.9.2002.

(7) "forest produce" includes,—

(*a*) the following whether found in or brought from a forest or not, that is to say,—

timber, charcoal, caoutchouc, catechu, [1][sandalwood][1], lootikai (Capparis Mooni), wood oil, sandalwood oil, resin, [2][rubber latex, [3][x x x][3]][5] natural varnish, bark, lac, mahua or ippe (Bassia latifolia) flowers and seeds, seed of Prosopis juliflora, kuth, and temburni or tupra (Diospyros Melanoxylon) leaves, rosha (Cymbopogon Martini) grass and oil and myrabolams (Terminalia Chebula, Terminalia Belerica and [4][Phyllanthus Emblica, ramapatre and shigakai)][4]; and

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Inserted by Act 10 of 1989 w.e.f. 16.3.1989.
3. Omitted by Act 12 of 1998 w.e.f. 11.5.1998.
4. Substituted by Act 23 of 1974 w.e.f. 16.9.1974 by notification. Text of the notification is at the end of the Act.

(*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 pea fowls and skins, tusks, horns, bones, silk cocoons, honey, and wax and all other parts or produce of wild animals, pea fowls and insects; and

(iv) peat, surface soil, rock, and minerals (including limestone), laterite, mineral

oils, and all products of mines or quarries; and

[1][(iv*a*) "cocoa beans or pods, garcinia fruits, thornless bamboos, Halmaddi, Raldhupa and Kaidhupa";][1]

1. Omitted by Act 12 of 1998 w.e.f. 11.5.1998.

(v) such other products of forests as the State Government may, by notification, declare to be forest produce;

(8) "land at the disposal of the State Government" means land in respect of which no person has acquired,—

(*a*) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force; or

(*b*) any right created by grant or lease made or continued by or on behalf of Government;

(9) "magistrate" means a magistrate of the first or second class;

(10) "notification" means a notification published in the official Gazette; (11) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such court;

(12) "prescribed" means prescribed by rules made by the State Government under this Act;

(13) "protected forest" means any area at the disposal of Government which has been placed under special protection under clause (ii) of sub-section (2) of section 33 or is declared to be a protected forest under section 35;

(14) "reserved forest" means any land settled and notified as such in accordance with the provisions of Chapter II of this Act;

(15) "reserved trees" means teak or sagavani (Tectona grandis), black wood or bite (Dalbergia latifolia), kino or honne (Pterocarpus marsupium),

myrobolam or gall nut or alale (Terminalia chebula), white cedar or devagarge (Dysoxylum malabaricum), jalari (Shorea laccifera), benteak or nandi (Lagerstroemia lanceolata), satin wood or huragalu (Chloroxylon swietenia), soapnut or antawala (Sapindus emarginatus), karachi kamara (Hardwickia binata), oil tree or yenne mara (Hardwickia pinnata), hebhalasu (Artocarpus hirsuta), ebony or karimara or bale (Diospyrose benum), iron wood or jambee (Xylia xylocarpa), poonspar or sura honne (Calophyllum elatum), chittagong wood (Chickrassia tabularis), kiralbogi (Hopea parviflora), kachu or kaggali (Acacia catechu), bore (Zizyphus jujuba), sagade (Schleichera trijuga), yethega (Vanteak) (Adina cordifolia), tamarindus (indica), karimatti (Terminalia tomentosa), mavu (Mangifera indica), kasarka (Strychnos nuxvomica), halasu (Artocarpus integrifolia), bili matti (Terminalia arjuna), dhup (Ailanthus malabarica), and such other trees as the State Government may by notification, declare to be reserved trees for purposes of this Act;

(16) "river" includes any stream, canal, creek, or other channel, natural or artificial;

(17) "rule" means a rule made by the State Government under this Act;

[1][(18) "sandalwood" means any portion of a sandal (santalumalbum) tree and includes bark, leaves and roots thereof, whether containing heartwood or not and whether in the form of roots, billets, pieces (sawn or otherwise) chips (whether coloured or not and whether mixed with other ingredients or not), sawdust, spentwood, flakes or pulp [2][and sandalwood oil][23][but does not include sandalwood manufactured in the form of sandalwood handicraft articles][3];][1]

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.
3. Inserted by Act 10 of 1989 w.e.f. 16.3.1989.

(19) "Tahsildar" means the Tahsildar of a taluk;

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

(21) "tree" includes palms, bamboos, stumps, brushwood and canes;

(22) "village forest" means any land notified as such in accordance with the provisions of Chapter III of this Act.

[1][(23) "Village Forest Committee" means a Village Forest Committee constituted under section 31A.][1]

1. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

CHAPTER II

RESERVED FORESTS

3. Powers to constitute Reserved Forests.—The State Government may constitute any land which is the property of the 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.

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

(*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 claimed by or 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, bridges, or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (*c*) of sub-section (1) shall, be a person not holding any forest office except that of Forest Settlement Officer; but a Forest Officer may be appointed by the State Government to represent it in the inquiry under this Chapter by the Forest Settlement Officer.

5. Proclamation by Forest Settlement Officer.—When a notification has been issued under section 4, the Forest Settlement Officer shall publish in Kannada and in any other regional language of the area, at the headquarters of each taluk in which any portion of the land comprised in such notification is situate and in every town and village in the neighbourhood of such land a proclamation,—

(*a*) specifying, as nearly as possible, the situation and limits of the proposed forest;

(*b*) setting forth the substance of the provisions of section 6;

(*c*) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a reserved forest; and

(*d*) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section 4, either to present to such officer within such period a written notice specifying or to appear before him within such period and state the nature of such right or claim (if any) and in either case to produce all documents in support thereof.

The Forest Settlement Officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a reserved forest or on his recognised agent or manager. Such notice may be sent by registered post to persons residing beyond the limits of the district in which such land is situate.

6. Bar of accrual of forest rights.—(1) 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, or power to create such right, was vested when the notification was issued; and on such land no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided. No patta or right of occupancy shall without the previous sanction of the State Government be granted, in respect of such land, and every patta or right of occupancy granted without such sanction shall be null and void.

(2) Nothing in this section shall be deemed to prohibit any act done under the written permission of the Forest Settlement Officer.

(3) No civil court shall, between the dates of publication of the notification under section 4 and of the final notification to be issued under section 17 entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification under section 4.

7. Inquiry by Forest Settlement Officer.—The Forest Settlement Officer shall take down in writing all statements made under clause (*d*) of section 5 and shall, at some convenient place, inquire into all claims duly preferred

under that section and into the existence and extent of any rights mentioned in section 4 and not claimed under section 5 so far as the same may be ascertainable from the records of the Government and the evidence of any persons likely to be acquainted with the same.

The Forest Settlement Officer shall at the same time, consider and record any objection which the Forest Officer, if any, appointed under sub-section (2) of section 4 may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

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,—

(i) 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

(ii) 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 5, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished unless, before the final notification under section 17 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 5 in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

10. Treatment of claims relating to 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 regularised, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

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

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

(*a*) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(*b*) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

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

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

11. Power to acquire land over which right is claimed.—(1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right of forest produce or a watercourse or in respect of any building standing on such land, 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 or, building from the limits of such reserved forest; or

(ii) come to an agreement with the owner for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

(3) For the purpose of so acquiring such land or building,—

(*a*) the Forest Settlement Officer shall be deemed to be a Deputy Commissioner proceeding under the Land Acquisition Act, 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 Forest Settlement Officer, with the consent of the claimant, or the court (as defined in the said Act), with the consent of the claimant and

the Deputy Commissioner of the district, may award compensation in land, or partly in land and partly in money.

12. Order on claims to rights of way or pasture or to forest produce or water.—In the case of claim to rights of way or pasture or to forest produce or water, the Forest Settlement Officer shall pass an order specifying the particulars of such claims and admitting or rejecting the same in whole or in part.

13. Record to be made where claim is admitted.—If the Forest Settlement Officer admits in whole or in part any claim under section 12, he shall record the extent to which the claim is so admitted, specifying as far as may be practicable,—

(*a*) the name, father's name, residence, and occupation of the person claiming the right;

(*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;

(*c*) in the case of rights of way, by whom they may be enjoyed, the width of the way, and whether for vehicular traffic or for men and cattle only, and the conditions, if any, attached to the right;

(*d*) in the case of pasturage, the number and description of cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasturage is permitted, and any conditions attached to the rights;

(*e*) in the case of forest produce, the quantity of timber or other forest produce which the claimant is entitled to take or receive, whether the benefit of such timber or other forest produce may be leased, sold or bartered and such other particulars as may be necessary in order to define the nature, incidents and extent of the right;

(*f*) in the case of water, by whom and for what purposes the water may be utilised, and any condition attached to its use.

14. 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*) provide some other reasonably convenient right of way; or

(*b*) set out some other forest tract of sufficient extent and in a locality reasonably convenient, for the exercise of rights to pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent; or

(*c*) so alter the limits of the proposed reserved forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purpose of the claimants with regard to pasturage or other forest produce and the land so excluded may be either outside the boundaries of the forest as finally settled or within them, in which latter case, it shall be demarcated and notified as an enclosure within which the rules relating to reserved forests shall not apply; or

(*d*) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons within such portions of the proposed reserved forest, and under such rules, as may be prescribed to ensure the continuance but non-abuse of such rights.

15. Compensation for 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 14, as shall ensure the continued exercise of the said rights to the extent so admitted, he shall direct payment by the State Government of compensation determined on the basis of the value of such right on the date of notification under section 4, in accordance with the provisions of the Land Acquisition Act, 1894, in so far as such provisions are applicable.

16. Appeal from order passed under section 11, section 12, section 14 or section 15.—(1) Any person who has made a claim under this Chapter 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, or section 14, appeal to the [1][Karnataka Appellate Tribunal][1] and the decision of the said Tribunal on such appeal shall be final.

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

(2) Any person aggrieved by an order under section 15 may, within three months from the date of the order appeal to the District Court and the decision of the District Court on such appeal shall be final.

17. Notification declaring forest a reserved forest.—(1) When the following events have occurred, namely:—

(*a*) the period fixed under section 5 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 16 for appealing from the orders passed on such claims has elapsed and all appeals (if any) presented within such period have been disposed of; and

(*c*) all proceedings prescribed by sections 11 and 14 have been taken and all lands and buildings (if any) to be included in the proposed reserved forest, which the Forest Settlement Officer has under section 11 elected to acquire under the Land Acquisition Act, 1894, have become vested in the Government under section 16 of that Act,

the State Government shall publish a notification specifying clearly according to the boundary marks erected or otherwise, the limits of the forest which is intended to constitute a reserved forest and declaring the same to be a reserved forest from the date fixed by such notification, subject to the exercise of rights (if any) specified in such notification.

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

18. Publication of notification.—The Deputy Commissioner shall, before the date fixed by such notification, cause a translation thereof into Kannada and any other regional language of the area, to be published in the official Gazette and at the headquarters of the taluk in which the forest is situated, and in every town and village in the neighbourhood of such forest, in the manner prescribed for the proclamation under section 5.

19. Power to revise arrangements made under section 14 and to redefine the limits of reserved forests in certain cases.—(1) The State Government may, within five years from the publication of any notification under section 17 revise any arrangement made under section 14 and may for this purpose rescind or modify any order made under section 14 and

direct that any one of the proceedings specified in section 14 be taken in lieu of any other such proceedings or that the rights admitted under section 12 be compensated under section 15.

(2) Where the description of the limits of any reserved forest notified under section 17 is defective or is not clear in reference to existing facts, the State Government may, by notification, declare its intention to redefine the limits of such reserved forest so as to remove the defect or to make the description clear in reference to existing facts. Such notification shall specify as nearly as possible the corrections which it is proposed to effect to the limits of the reserved forest.

(3) On the issue of a notification under sub-section (2), the [1][Deputy Conservator of Forest][1] shall publish at the headquarters of each taluk, in which any portion of the land comprised in such notification is situate and in every town and village in the neighbourhood of such land, a notice,—

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

(*a*) specifying the corrections proposed by the notification under sub-section (2); and

(*b*) stating that any objections which may be made in person or in writing to the [1][Deputy Conservator of Forest][1], within a period of thirty days from the date of publication of the notice will be considered by him.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

(4) After the expiry of the period referred to in clause (*b*) of sub-section (3) and after considering the objections, if any, received by him, the [1][Deputy Conservator of Forest][1]

shall submit to the State Government the record of the proceedings held by him together with a report thereon.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

(5) The State Government may, after considering the report of the [1][Deputy Conservator of Forest][1], by notification, redefine the limits of the reserved forest, as proposed by the notification under sub-section (2) with such modifications as it thinks fit or without any modifications:

Provided that if the notification redefining the limits of the reserved forest affects the rights of any person in such reserved forest, the procedure laid down in sections 5 to 17 shall *mutatis mutandis* be applicable.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

(6) Save as provided in sub-sections (2) to (5) of this section it shall not be necessary to follow the procedure laid down in sections 4 to 17 before issuing a notification under sub-section (5).

20. No right acquired over reserved forest except as 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 State Government or some person in whom such right or the power to create such right was vested when the notification under section 17 was published.

21. Alienation of right in reserved forest.—(1) Notwithstanding anything contained in section 20, no right continued under section 14 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the State Government:

Provided that, when any such right is appendant to any land or building it may be sold or otherwise alienated with such land or building without such sanction.

(2) The benefit of any right continued under section 14 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under section 16, and any such lease, sale or barter shall be void.

(3) Any person leasing, selling, or bartering the benefits of any right continued under section 14 in contravention of sub-section (2) shall, on conviction, be punishable with fine which may extend to one thousand rupees.

22. Power to stop ways and water courses in reserved forests.—(1) The Forest Officer may, with the previous sanction of the Chief Conservator of Forests by order notified in the official Gazette, stop any public or private way or water course in a reserved forest:

Provided that for the way or water course so stopped, another way or water course which is equally convenient, already exists or has been provided or constructed:

Provided further that no water course feeding a tank or other reservoir shall be stopped except after consulting the Executive Engineer having jurisdiction over such tank or reservoir.

(2) Any person aggrieved by an order under sub-section (1) may within ninety days from the date of publication of the order in the official Gazette,

appeal to the [1][Karnataka Appellate Tribunal][1] and its decision thereon shall be final.

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

23. Reserved forests constituted previous to passing of this Act.—(1) Any forest which has been notified as a State Forest under the Mysore Forest Act, 1900, or as a reserved forest under the Indian Forest Act, 1927, the Madras Forest Act, 1882, or the Hyderabad Forest Act, 1355F, prior to the date on which this Act comes into force, shall be a reserved forest under this Act:

Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been inquired into, settled and recorded in a manner which the State Government deems sufficient, the same shall be inquired into, settled and recorded in the manner provided by this Act; and until such inquiry, settlement and record have been completed, the operation of this section shall not abridge, or affect such rights.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as a State Forest or reserved forest 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 forests to which the provisions of sub-section (1) are applicable.

24. Acts prohibited in reserved forests.—Any person who,—

(*a*) makes any fresh clearing prohibited by section 6, or

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

any person who, in a reserved forest,—

(*c*) in contravention of the rules made in this behalf by the State Government,—

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

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

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

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

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

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

[1][(*gg*) unauthorisedly occupies land for any purpose;][1]

1. Inserted by Act 10 of 1989 w.e.f. 16.3.1989.

(*h*) damages, alters or removes any cairn, wall, ditch, embankment, fence, hedge, or railing;

(*i*) poisons or dynamites water;

(*j*) in contravention [1][of any law or rules, enters any reserved forest with fire arms or any other weapon meant for hunting][1], hunts, shoots, fishes or sets traps or snares, or

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

who abets committing of any of the above prohibited acts shall, on conviction, be punishable with imprisonment for a term which may extend to [2][one year or with fine which may extend to two thousand rupees][2], or with both, and in addition be liable to pay such compensation for the damage done to the forests as the convicting court may direct to be paid.

25. Acts excepted from section 24.—(1) Nothing in section 24 shall be deemed to prohibit,—

(*a*) the exercise, in accordance with the rules, if any, made under section 14, of any right continued under that section; or

(*b*) the exercise of any right created by grant or contract in the manner described in section 20; or

(*c*) any act done with the permission in writing of a Forest Officer duly empowered to grant such permission, or under any rule made by the State Government.

26. Privileges may be granted in reserved forests.—The State Government may, in any reserved forest, grant such privileges as may be consistent with the due maintenance of the forest; and may, without assigning reason therefor, cancel such grant:

Provided that all privileges so granted shall previously be specified and recorded by the Deputy Commissioner in the manner provided in section 13:

Provided further that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export, barter or merchandise.

27. Penalties for offences committed by persons having rights in reserved forest.—Whenever fire is caused wilfully or by gross negligence in a reserved forest by a person having rights in such forest or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of section 21, the State Government may, without prejudice to any punishment under this Act, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce of any such person shall be extinguished, or for such period as it thinks fit, be suspended.

28. Power to declare forests no longer reserved forests.—(1) The State Government may, by notification, direct that, from a date to be specified in such notification, any forest or any portion thereof constituted as reserved forest under this Act, shall cease to be a reserved forest.

[1][Provided that no such notification shall be issued unless a resolution to that effect has been passed by both Houses of the State Legislature.][1]

[2][Provided further that no such resolution shall be necessary where the proposal relates to regularisation of unauthorised occupation of any reserved forest or portion thereof, if such occupation was prior to the date of commencement of the Karnataka Forest (Amendment) Act, 1978.][2]

1. Inserted by Act 23 of 1974 w.e.f. 16.9.1974.
2. Inserted by Act 15 of 1978 w.e.f. 27.4.1978.

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

CHAPTER III

VILLAGE FORESTS

29. Constitution of village forests.—(1) The State Government may, by notification, constitute any land at the disposal of the Government, a village forest for the benefit of any village community or group of village communities and may in like manner vary or cancel any such notification.

(2) Every such notification shall specify the limits of such village forest.

30. Power to make rules for village forests.—(1) The State Government may make rules for regulating the management of village forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be

provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

(2) The State Government may by such rules declare all or any of the provisions of Chapter II of this Act to be applicable to village forests.

31. Inquiry into and settlement of rights.—All claims to any rights other than rights of the village community or group of village communities for the benefit of which such

village forest is constituted, shall be inquired into, recorded and provided for in the manner laid down in Chapter II of this Act.

[1][**31A. Constitution of Village Forest Committee for Joint Forest Planning and Management of Forest.**—(1) For the purpose of Joint Forest Planning and Management of forest, the State Government may by notification constitute a Village Forest Committees in respect of a village or group of villages.

(2) The Government may by rules provide for,—

(i) the powers, duties and responsibilities of Village Forest Planning Committee;

(ii) the conduct of elections to the Committee;

(iii) qualification and disqualifications of Members of Village Forest Committee;

(iv) the powers and duties of Forest Officer;

(v) preparation and execution of management plans;

(vi) protection, development and management of forest by the Committee;

(vii) sharing mechanism, audit and accounts;

(viii) appointment of administrators or administrative Committees;

(ix) settlement of disputes;

(x) monitoring and evaluation; and

(xi) any other matter incidental thereto.][1]

1. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

CHAPTER IV

DISTRICT FORESTS

32. Power to grant privileges in district forests.—The State Government may, in any district forest, grant such privileges as it thinks fit in

regard to the removal by cultivating raiyats or other classes of persons of forest produce required for prescribed purposes and may without assigning reason therefor, cancel such grant:

Provided that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

33. Power to make rules for district forests.—(1) Subject to all rights now legally vested in individuals and communities, the State Government may, for any district or portion of a district, make rules to regulate the use of the forest produce or of the pasturage of any land at the disposal of Government and not included in a reserved or village forest.

(2) Without prejudice to the generality of the foregoing power such rules may,—

(i) declare that certain trees not classed as reserved trees shall be granted to cultivating raiyats on favourable rates of seigniorage;

(ii) provide for placing any area at the disposal of Government under special protection in view of its subsequent settlement and constitution as a reserved forest or for any other purpose, and prescribe the conditions and penalties attendant on such special protection;

(iii) regulate or prohibit the grant of land and its clearing and breaking up for cultivation or other purposes;

[1][(iii*a*) prohibit unauthorised occupation of land for any purpose;][1]

1. Inserted by Act 10 of 1989 w.e.f. 16.3.1989.

(iv) regulate or prohibit the kindling of fires and prescribe the precautions to be taken to prevent the spreading of fires;

(v) regulate or prohibit the felling, cutting, girdling, marking, lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion, and removal of trees and timber and the collection and removal of other forest produce;

(vi) regulate or prohibit the quarrying of stone or gravel, the burning of lime or charcoal, the smelting of ore, or the boiling of catechu;

(vii) regulate or prohibit the cutting of grass and pasturing of cattle, and prescribe the payments (if any) to be made for such cutting or pasturing;

(viii) regulate or prohibit hunting, shooting, beating or driving for game, fishing, poisoning or driving for game, fishing, poisoning or dynamiting water, and setting traps or snares;

(ix) regulate the disposal of timber and other forest produce whether by sale or by free grant;

(x) prescribe the fees, royalties or other payments for such timber and other forest produce and the manner in which they shall be levied.

(3) In making a rule under this section, the State Government may provide that a person guilty of contravention thereof shall, on conviction, be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(4) The land placed under special protection under a rule made in pursuance of clause (ii) of sub-section (2), shall be called "protected forest" and shall be duly notified as such in the official Gazette.

34. Suspension of rights in cases of fires caused wilfully or by gross negligence.—Whenever fire is caused wilfully or by gross negligence in any land notified as protected forest under sub-section (4) of section 33; by any person having rights of pasture or to forest produce or by any person in his employment, the State Government may, without prejudice to any punishment under this Act direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce of any such person shall, for such period as it thinks fit, be suspended.

35. Minor forests constituted previous to the commencement of this Act.—(1) Any forest in the State which has been notified as "minor forest" under the Mysore Forest Act, 1900, or as "protected forest" under the Indian Forest Act, 1927, or the Hyderabad Forest Act, 1355-F., prior to the date on which this Act comes into force, shall be a protected forest under this Act and the provisions applicable to a protected forest shall be applicable to such forests.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forests shall be deemed to have been decided, issued and prepared under this Act.

CHAPTER V

CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF THE GOVERNMENT

36. Interpretations.—For the purpose of this Chapter,—

(i) "forest" includes any land containing trees and shrubs, pasture lands and any land whatsoever which the State Government may, by notification under this section declare to be a forest;

(ii) "owner" in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest.

37. Preservation of private forests.—(1) No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after this Act comes into force, or any other person shall, without the previous permission of the [1][Deputy Conservator of Forest][1], cut or girdle trees or do any act likely to denude the forest, or diminish its utility as a forest:

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

Provided that nothing contained in this sub-section shall apply to the removal of fallen trees or any act done for the usual or customary domestic purposes or for making agricultural implements for *bona fide* use of the owner.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, and for reasons to be specified in such notification, exempt any class of forests, or class of trees or any forest produce therein from all or any of the provisions of this section.

38. Power to make rules.—For the purpose of section 37, the State Government may make rules prescribing,—

(*a*) the classes or kinds of trees which may be permitted to be cut and girdled and the girth of such trees;

(*b*) the terms and conditions subject to which permission may be granted; and

(*c*) the procedure to be followed by the [1][Deputy Conservator of Forest][1] before granting permission.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

39. Protection of forests for special purposes.—(1) The State Government may, by notification,—

(*a*) regulate or prohibit in any forest,—

(i) the breaking up or clearing of any land;

(ii) the pasturing of cattle;

(iii) the firing or clearing of vegetation;

(iv) the girdling, tapping or burning of any tree or the stripping of bark or leaves from any tree;

(v) the lopping or pollarding of trees;

(vi) the cutting, sawing, conversion or removal of trees and timber; or

(vii) the quarrying of stones or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process;

(*b*) regulate in any forest the regeneration of forests and their protection from fire;

(*c*) regulate the exercise of customary and prescriptive rights in such forest or forests.

(2) When such regulation or prohibition appears necessary, the State Government may, by notification, provide,—

(*a*) for the conservation of trees and forests;

(*b*) for the preservation of and improvement of soil or the reclamation of saline or water logged land, the prevention of land slips or the formation of ravines and torrents or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

(*c*) for the improvement of grazing;

(*d*) for the maintenance of water supply in springs, rivers and tanks;

(*e*) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber or fuel;

(*f*) for the maintenance of reservoirs, or irrigation works and hydro-electric works;

(*g*) for protection against storms, wind, rolling stones, floods and drought;

(*h*) for the protection of roads, bridges, railways and other lines of communication; and

(*i*) for the preservation of public health.

(3) The State Government may, for any purpose referred to in sub-sections (1) and (2), construct at its own expense, in any forest, such work as it thinks fit.

40. Appeals.—Any person aggrieved by an order under sub-section (1) of section 37, i n regard to the sanction or the permission referred to in that

sub-section may, within thirty days from the date of the receipt of the order, prefer an appeal in writing to the Deputy Commissioner and the Deputy Commissioner after following the prescribed procedure may pass such orders thereon as he deems fit.

41. Penalties.—(1) Whoever contravenes the provisions of sub-section (1) of section 37 or of the rules framed under section 38 or any of the terms of a notification under section 39, shall, without prejudice to any other action under this Act, on conviction, be punishable with imprisonment which may extend to six months or with fine or with both.

[1][(2) x x x][1]

1. Omitted by Act 12 of 1998 w.e.f. 11.5.1998.

42. Bar of suits.—No order of the State Government or a Forest Officer not below the rank of a [1][Deputy Conservator of Forest][1] under this Chapter and no notification issued by the State Government under section 39, shall be liable to be questioned in any court of law.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

43. Power to assume management of forests.—(1) In case of any breach or neglect of the provisions of section 37 or of rules made under section 38 or wilful disobedience to any regulation or prohibition notified under section 39 or if the purposes of any work to be constructed under that section so require and when it appears to the State Government that it is necessary for the purpose of preservation and protection of the forest in public interest to assume management of such forest, the State Government may, after notice in writing to the owner of such forest and after considering his objections, if any, by notification assume management of such forest and may by notification declare that all or any of the provisions of this Act, relating to reserved forests shall apply to such forest. A notification assuming management of a forest under this sub-section shall be conclusive.

(2) The notice referred to in sub-section (1) and the notification, if any, issued assuming management of the forest shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the service of the summons.

(3) The management of the forest by the State Government shall be deemed to commence from the date of publication of the notification under

sub-section (1) in the official Gazette, and the State Government shall appoint a Forest Officer to be in charge of the forest.

(4) (*a*) The State Government shall, during the period of management of a forest pay, at prescribed intervals, to the owner of the forest, compensation, which shall be the aggregate of,—

(i) an allowance calculated on the total area of the forest as determined by the Conservator of Forests at the rate of ten naye paise per acre per annum; and

(ii) the net profits, if any, accuring from the working and management of the forest.

(*b*) For the purpose of calculating the net profits, the total expenditure incurred on the working and management of the forest shall be adjusted against the total income from the working and management up to the date of account and the amount of any deficit shall be carried forward with interest at the prescribed rate from year to year till such amount is made up and surplus is effected.

(5) (*a*) During the period of management the State Government shall receive all revenues accruing from the working and management of the forest and shall pay the whole expenditure incurred in the working and management of such forest, and the owner of such forest or any other person shall not be entitled to make any objection to any

expenditure that the State Government may consider it necessary on such working and management.

(*b*) The State Government shall maintain the revenue and expenditure account of the forest and shall at the request of the owner furnish to him an extract of the yearly account so maintained.

44. Consequences of assumption of management.—On the assumption of management of any forest by the State Government under section 43, the following consequences shall ensue,—

(*a*) all legal proceedings pending, and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the forest or any part thereof shall be suspended, and so long as the management by the State Government continues, no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof;

(*b*) so long as the management by the State Government continues, the owner of the forest shall be incompetent,—

(i) to enter into any contract with respect to the forest;

(ii) to mortgage, charge, lease or alienate the forest or any part thereof or any product thereof; or

(iii) to grant valid receipts for the rents or profits arising or accruing therefrom;

(*c*) so long as the management by the State Government continues, subject to the orders of the State Government, no person other than the Forest Officer placed in charge of the forest shall be competent to do the acts referred to in sub-clauses (i), (ii) and (iii) of clause (*b*);

(*d*) subject to the orders of the State Government, the Forest Officer placed in charge of the forest, shall during the period of management of the forest, have all the powers which the owner thereof might as such have exercised for the purposes of management and shall receive and recover all rents and profits due in respect of the property under management; and for the said purposes in addition to any powers of the owner, the Forest Officer, shall be competent to exercise any power which he can exercise in respect of a reserved forest.

45. Period of management.—(1) The period of management of any forest shall be for ten years from the date of publication of the notification under sub-section (1) of section 43, but such period may thereafter be extended by notification for successive periods of not more than ten years each:

Provided that the period of such management shall not in the aggregate exceed thirty years from the date of publication of the notification under sub-section (1) of section 43 assuming management of the forest.

(2) The Forest Officer under whose management 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 to the State Government regarding such control and shall state therein whether in his opinion, any period of management 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 management or whether to terminate it in the manner provided in section 46.

(4) No period of management shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension and the State Government is satisfied that such extension is necessary for the preservation and protection of the forest.

46. Termination of management.—(1) If the State Government decides to terminate any period of management of any forest, it shall, by notification, published in the official Gazette, and in such other manner as may be prescribed declare such termination; 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 purporting to be done by the Forest Officer in respect of any forest placed under his management, during the period of such management, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section.

(3) After the period of termination of management of any forest, notwithstanding anything contained in the [1][Limitation Act, 1963][1], but subject to any law which may then be in force, all proceedings, processes, executions or attachments suspended under clause (a) of section 44 shall stand revived and may be proceeded with from the stage at which they were suspended, and all proceedings, processes, executions or attachments stayed under the said clause may be instituted, issued, enforced or executed from the stage at which they were stayed.

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

47. Government management of forests at request of owners.—(1) Any owner of any land or, if there be more than one owner thereof the owners of all the shares therein may, with a view to the formation or preservation of forest thereon, apply in writing to the State Government to take over the management of such land and the State Government may, on such application, where it is of opinion that it is expedient in public interests to form or preserve the forest, by notification, assume the management of such land.

(2) When the management of any land is assumed under sub-section (1), save as otherwise agreed to between the State Government and the applicants, the net profits, if any, arising from the management of the land shall be paid to the owners.

(3) The period of management shall be such as may be agreed to between the State Government and the applicants.

(4) In all other respects the provisions of this Chapter in respect of a forest the management of which has been assumed by the State Government under sub-section (1) of section 43 shall be applicable.

48. Acquisition of forests in certain cases.—In any case under this Chapter, in which the State Government considers that, in lieu of assuming the management of a forest, the same should be acquired for public purposes, the State Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894.

49. Power to remove difficulties.—If any difficulty arises in giving effect to any of the provisions of this Chapter, the State Government may, as occasion may arise, by notification, do anything which appears to it to be necessary for the purpose of removing the difficulty.

CHAPTER VI

CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT

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

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

(*a*) prescribe the routes by which alone timber or other forest produce may be transported or moved into, from or within the State;

(*b*) prohibit the transport, into, within or outside, the State, of such timber or prohibit collection 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, and in the case of timber without affixing a Government transit mark;

(*c*) provide for the issue, production and return of such passes and in the case of timber for affixing Government transit marks and for the payment of fees for issue of the passes and for affixing such marks;

(*d*) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not

the owner thereof or not acting on behalf of such owner or of the Government;

(*e*) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to the Government or to which it is desirable for the purposes of this Act to affix a mark;

(*f*) provide for the establishment of check posts or the erection of barriers at such places as the State Government may direct, with a view to prevent or check commission of forest offences in respect of forest produce and for the stoppage, reporting and examination of goods carried by any vehicle or vessel at such check posts or barriers;

(*g*) provide for the establishment and regulation of depots to which such timber or other forest 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 condition under which such timber or other forest produce shall be brought to, stored at and removed from such depots; and for regulating the appointment and duties of persons employed thereat;

(*h*) authorise the transport of such timber or other forest produce across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber or other forest produce;

(*i*) 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;

(*j*) 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 persons whose acts or negligence necessitated the same;

(*k*) prohibit absolutely or subject to conditions, [1][within the whole of the State of Karnataka or specified local limits][1], the establishment of saw pits, saw mills, or any other sawing contrivance, and the converting, cutting, processing, distilling, storing, burning, concealing, marking or supermarking of timber or other forest produce, 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;

1. Substituted by Act 23 of 1974 w.e.f. 16.9.1974.

[1][(*ka*) regulate (including requiring the owner or proprietor to obtain a licence [2][or to get it renewed][2]) the existing saw pits, [2][starting new saw pits][2] saw mills or any other sawing contrivance;][1]

1. Inserted by Act 23 of 1974 w.e.f. 16.9.1974.
2. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

[1][(*kb*) provide for levy of fee for grant or renewal of licence for saw mills, saw pits and other sawing contrivances;][1]

1. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

(*l*) regulate the use of property marks for timber or other forest produce, 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) In making a rule under this section, the State Government may provide that person guilty of contravention thereof shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both; and where the contravention is committed after sunset or before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for a like offence with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

51. The State Government and Forest Officer not liable for damage to forest produce at depot.—The State 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 rules made under section 50, or while detained elsewhere, for the purpose of this Act, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage wilfully, negligently, maliciously or fraudulently.

52. 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 State 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 VII

COLLECTION OF DRIFT AND STRANDED TIMBER

53. Certain kinds of timbers to be deemed property of State Government until title thereto proved.—(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 50 or which have been supermarked or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the State Government directs, all unmarked wood and timber; shall be deemed to be the property of the State Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) The timber referred to in sub-section (1) may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 59 and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

(3) The State Government may, by notification, exempt any class of timber from the provisions of this section.

54. Notice to claimants of drift timber.—Public notice shall from time to time be given by the Forest Officer, of timber collected under section 53. 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 of not less than thirty days from the date of such notice a written statement of such claim.

55. Procedure on claim preferred to such timber.—(1) When any such statement is presented under section 54, the Forest Officer may, after making such inquiry as he

thinks fit, either reject the claim after recording his reasons for so doing, or accept the claim and 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 court, and retain the timber or wood pending the receipt of an order from any such court for its disposal.

(3) Any person whose claim has been rejected under this section, may within ninety days from the date of intimation of the order 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 State Government, or against any Forest Officer, on account of such rejection, or the detention or removal of any timber or wood, 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 brought as provided in this section, has been decided.

56. Disposal of unclaimed timber.—If no statement is presented under section 54, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 54 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 55, the ownership of such timber shall vest in the State Government free from all encumbrances, or, when such timber has been delivered to another person under section 55, in such other person free from all encumbrances not created by him.

57. State Government and its officers not liable for damage to such timber.—The State Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 53 and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage wilfully, negligently, maliciously or fraudulently.

58. Payments to be made by claimant before timber is delivered to him.—No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 59.

59. Power to make rules.—(1) The State Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made to regulate the following matters, namely:—

(*a*) the salving, collection and disposal of all timber mentioned in section 53;

(*b*) the use and registration of boats or any other contrivance 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 instrument to be used for marking such timber.

(3) In making a rule under this section, the State Government may provide that a person guilty of a contravention thereof shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.

CHAPTER VIII

CATTLE TRESPASS

60. Application of Cattle Trespass Act, 1871.—Cattle trespassing in a reserved forest or village forest, or in a portion of a district forest which has been lawfully closed to grazing under the provisions of section 33, shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871, and may be seized and impounded as such by any Forest Officer or Police Officer.

61. Power to alter fines fixed under that Act.—The State Government may, by notification, direct that, in lieu of the fines fixed under section 12 of the Cattle Trespass Act, 1871, there shall be levied for each head of cattle impounded under section 60 of this Act such fines as it deems fit, but not exceeding the following, that is to say:—

For each elephant	...	Twenty rupees
For each buffalo or camel	...	Four rupees
For each horse, mare, gelding, pony, colt, filly, mule, bull, cow, bullock or heifer.	...	Two rupees
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	...	One rupee

CHAPTER IX

PENALTIES AND PROCEDURE

62. 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, vehicles or [1][cattle or any other property used][1] in committing any such offence, may be seized by any Forest Officer or Police Officer.

1. Substituted by Act 12 of 1998 w.e.f. 11.5.1998.

(2) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of 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 reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle.

(3) Every officer seizing any property under this section [1][x x x][1] shall, as soon as may be, [2][make a report of such seizure,—

(*a*) where the offence on account of which the seizure has been made is in respect of timber, ivory, [3][gulmavu (machilus macrantha) bark, dalchini bark, halmaddi (exudation of ailanthus malabaricum), canes][3], firewood or charcoal which is the property of the State Government or in respect of sandalwood, to the concerned authorised Officer under section 71A; and

(*b*) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure has been made;][2]

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.

1. Omitted by Act 12 of 1998 w.e.f. 11.5.1998.
2. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
3. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

[1][**62A. Powers of Forest Officer in the matter of Investigation.-** (1) Any Forest Officer not below the rank of a Range Forest Officer and within such specified area as the State Government may, by notification specify, may as regards offences under this Act

exercise powers conferred on an Officer incharge of a police station by the provision of the Code of Criminal Procedure, 1973:

Provided that any such power shall be subject to such restrictions and modifications, if any, as the State Government may specify.

(2) For the purpose of section 156 of the Code of Criminal Procedure, 1973, the area in regard to which the forest Officer is empowered under sub-section (1), shall be deemed to be a police station and such Officer shall be deemed to be the Officer-incharge of such station.

62B. Report by Investigation Officer.- If on any investigation by a Forest Officer empowered under sub-section (1) of section 62A, it appears that there is sufficient evidence to justify the prosecution of the accused person, the investigating officer shall submit a report (which shall, for the purposes of section 190 of the Code of Criminal Procedure, be deemed to be a police report) to a Magistrate having jurisdiction to enquire into or try the case and empowered to take congnizance of offences on police reports.

62C. Certificate of Forest Officer to be an evidence.- Any document purporting to be a certificate under the hand of a Forest Officer not below the rank of a Range Forest Officer who has undergone training in the examination of forest produce and who is so authorised by the State Government in this behalf in respect of forest produce, submitted to him for examination and report, may be used as evidence of the facts stated in such certificate in any proceedings under this Act; but the court may, if it things fit, and shall on the application of the prosecution or the accused person summon and examine any such Forest Officer as to the subject matter of his certificate.][1]

1. Sections 62A to 62C inserted by Act 20 of 2000 w.e.f. 4.10.2000.

63. Power to release property seized under section 62.—Any Forest Officer of a rank not inferior to that of a Forest Ranger who, or whose subordinate, has seized any tools, boats, vehicles or cattle [1][under section 62 may, subject to section 71G release][1] the same on, [2][production of a Bank guarantee equal to the value as estimated by such officer (which shall be renewable from time to time till the final disposal of the criminal proceedings instituted in respect of the alleged offence) and on][2] the execution by the owner thereof of a bond for the production of the property so released if and when so required before the magistrate having jurisdiction to try the offence on account of which the seizure had been made.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

[1][**64.** x x x][1]

1. Omitted by Act 1 of 1981 w.e.f. 23.2.1981.

[1][**64A. Penalty for unauthorisedly taking possession of land constituted as reserved forest,** [2][**district forest, village forest, protected forest and any other land under the control of the Forest Department**][2].—(1) Any person unauthorisedly occupying any land in

reserved forest, [2][district forest, village forest, protected forest and any other land under the control of the Forest Department][2] may, without prejudice to any other action that may be taken against him under any other provision of this Act or any other law for the time being in force, be summarily evicted, by a Forest Officer not below the rank of an Assistant Conservator of Forests and any crop including trees raised in the land and any building or other construction erected thereon shall, if not removed by him within such time as the Forest Officer may fix, be liable to forfeiture:

Provided that before evicting a person under this sub-section he shall be given a reasonable opportunity of being heard.

(2) Any property forfeited under sub-section (1) 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 the person evicted in the manner provided in section 109.

(3) Any person aggrieved by an order of the Forest Officer under sub-section (1) may, within such period and in such manner as may be prescribed, appeal against such order to the State Government or to such officer as may be authorised by the State Government in this behalf and the order of the Forest Officer shall, subject to the decision in such appeal, be final.][1]

1. Inserted by Act 23 of 1974 w.e.f. 16.9.1974.
2. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

65. Forest produce, tools, etc., when liable to forfeiture.—(1) All timber or forest produce which is not the property of Government and in respect of which a forest offence has been committed and all tools, boats, vehicles and cattle used in committing any forest offence, [1][shall, subject to section 71G, be liable][1] by order of the convicting court to forfeiture to the State Government.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

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

66. Disposal, on conclusion of trial for forest offence, of produce in respect of which it was committed.—When the trial of any forest offence is concluded any forest produce in respect of which such offence has been committed shall, if it is the property of Government or has been forfeited, be

taken charge of by a Forest Officer, and, [1][in any other case may, subject to section 71G, be disposed][1] of in such manner as the court may direct.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

67. Procedure when offender is not known or cannot be found.—When the offender is not known or cannot be found, the magistrate, may, if he finds, [1][that an offence has been committed, subject to section 71G][1], order the property in respect of which the offence has been committed to be forfeited to the State Government together with tools, boats, vehicles or cattle and other articles 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 thirty days from the date of seizing the 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.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

68. Procedure as to perishable property seized under section 62.—[1][[2][Subject to such rules as may be prescribed, the Forest Officer who made the seizure under section 62 or any other Forest Officer, may][2], notwithstanding anything contained in this Act or any other law, sell][1] any property seized under section 62 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 [3][and shall report about every such sale to his official superior.][3]

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Substituted by Act 11 of 1984 w.e.f. 13.1.1984.
3. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

69. Appeal from orders under sections 65, 66 and 67.—The officer who made the seizure under section 62 or any of his official superiors or any person claiming to be interested in the property so seized may, within thirty days from the date of any order passed under sections 65, 66 or 67, 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.

70. Vesting of forfeited property in State Government.—When an order for the forfeiture of any property has been passed under section 65 or section 67, as the case may be, and the period specified by section 69 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 State Government free from all encumbrances.

71. Saving of power to release property seized.—Nothinghereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the State Government from directing at any time the immediate release of any property seized under section 62, which is not the property of Government, and the withdrawal of any charge made in respect of such property.

[1][**71A. Confiscation by Forest Officers in certain cases.**—(1) Notwith-standing anything contained in the foregoing provisions of this Chapter [2][or in any other law][2], where a forest offence is believed to have been committed in respect of timber, [3][ivory, [4][gulmavu (machilus marantha) bark, dalchini bark, Halmaddi (exudation of ailantus malabricum), canes][4], firewood and charcoal which is the property of the State Government or in respect of sandalwood][3], the officer seizing the property under sub-section (1) of section 62 shall, without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the official Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

1. Sections 71A to 71F inserted by Act 50 of 1976 w.e.f. 22.6.1976.
2. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.
3. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
4. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

(2) Where an authorised officer seizes under sub-section (1) of section 62 any timber, [1][ivory, firewood [2][gulmavu (machilus marantha) bark, dalchini bark, halmaddi (exudation of ailantus malabricum), canes][2] and charcoal which is the property of the State Government or any sandalwood][1], or where 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, ropes, chains, boats, vehicles and cattle used in committing such offence.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

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

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

(*b*) Where any confiscated property is sold, as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall where the order of confiscation made under section 71A is set aside or annulled by an order under sections 71C or 71D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.][1]

71B. Issue of show cause notice before confiscation under section 71A.—(1) No order confiscating any timber, sandalwood, charcoal, firewood, [1][gulmavu (machilus marantha) bark, dalchini bark, halmaddi (exudation of ailantus malabricum), canes][1], ivory, tools, ropes, chains, boats, vehicles or cattle shall be made under section 71A except after notice in writing to the person from whom it is seized and considering his objections, if any:

[2][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]

1. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.
2. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 71A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, charcoal, firewood [1][gulmavu (Machilus marantha) bark, dalchini bark, Halmaddi (exudation of Ailantus malabricum), canes][1] or ivory without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

1. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

71C. Revision.—Any Forest Officer not below the rank of Conservator of Forests [1][specially empowered by the State Government][1] in this behalf by notification in the official Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under section 71A, *suo motu*

call for and examine the records of that order and may make such inquiry or cause such inquiry to be made may pass such orders as he deems fit:

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

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

71D. Appeal.—(1) Any person aggrieved by any order passed under section 71A or section 71C may, within thirty days from the date of communication to him of such order, appeal to the [1][Sessions Judge][1] having jurisdiction over the area in which the property to which the order relates has been seized and the [1][Sessions Judge][1] shall, after giving an opportunity to the appellant [2][and the authorised officer or the officer specially empowered under section 71C, as the case may be][2] to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

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

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

71E. Award of Confiscation not to interfere with other punishments.—The award of any confiscation [1][under section 71A or section 71C or section 71D][1] shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

71F. Property confiscated when to vest in Government.—When an order for confiscation of any property has been passed under section 71A or section 71C [1][or section 71D][1] and such order has become final in respect of

the whole or any portion of such property, such property or portion thereof, [1][or if it has been sold under sub-section (3) of section 71A, the sale proceeds thereof][1] as the case may be, shall vest in the State Government free from all encumbrances.][1]

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

[1][**71G. Bar of jurisdiction in certain cases.**—Whenever any timber, ivory, [2][gulmavu (machilus marantha) bark, dalchini bark, halmaddi (exudation of ailantus malabricum), canes][2], firewood or charcoal belonging to the State Government or any sandalwood, together with any tool, rope,

chain, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) of section 62, the authorised officer under section 71A or the officer specially empowered under section 71C or the Sessions Judge hearing an appeal under section 71D shall have and, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) 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.][1]

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

72. Punishment for wrongful seizure.—(1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to forfeiture under this Act shall, on conviction, be punishable with imprisonment which may extend to six months, or with fine, which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting court so directs, be given as compensation to the person aggrieved by such seizure.

73. Penalty for counterfeiting or defacing marks on trees or 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,—

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or such tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest Officers; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest Officer; or

(*d*) alters, moves, destroys or defaces any boundary mark of any forest or waste land to which the provisions of this Act are applicable;

shall, on conviction, be punishable with imprisonment which may extend to two years, or with fine, or with both.

74. 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 reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Any person arrested under this section shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest magistrate having

jurisdiction in the case within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

75. Power to release on a bond a person arrested.—Any Forest Officer of a rank not inferior to that of a Forest Ranger, who or whose subordinate has arrested any person under the provisions of section 74 may release such person on his executing a bond with proper surety 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.

76. 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.

[1][**76A. Prevention of Commission of offences etc.,.-** Any forest officer may if necessary use as much force and do as much injury to persons and property to prevent the commission of any offence under this Act under Chapter VI of the Wild Life (Protection) Act, 1972, or to apprehend any person who has committed or is engaged in commission of any offence under the said Acts, or for seizure of any weapons, vehicles, cart, boat, any other conveyance, tools, or any other things used to commit offence under the said Acts or to carry, transport, conceal or keep the forest produce in respect of which the offence is committed.][1]

1. Inserted by Act 20 of 2000 w.e.f. 4.10.2000.

77. Power to try offences summarily.—The District Magistrate or any magistrate of the first class specially empowered in this behalf by the State Government may try summarily under the [1][Code of Criminal Procedure, 1973 (Central Act 2 of 1974)][1], any forest offence punishable with

imprisonment, which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

78. Operation of other laws not barred.— Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission, which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Act or the rules made thereunder:

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

79. Power to compound offences.—(1) The State Government may, [1][subject to such conditions as may be specified, by notification][1], empower a Forest Officer,—

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence under section 72 or section 73 [1][or section 86 or section 87][1], a sum of money not exceeding [2][fifty thousand rupees][2], by way of composition for the offence which such person is suspected to have committed;

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Substituted by Act 12 of 1998 w.e.f. 11.5.1998.

(*b*) when any property has been seized as liable to confiscation [1][subject to section 71G][1], to release, the same on payment of the value thereof [1][as may be prescribed.][1]

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Substituted by Act 12 of 1998 w.e.f. 11.5.1998.

(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 rank not inferior to that of a Range Forest Officer.

80. Presumption that forest produce belongs to Government.—When in any proceedings taken under this Act or in consequence of anything done under this Act or under any other law for the time being in force, a question arises as to whether any forest produce is the property of

the State Government, such produce shall be presumed to be the property of the State Government until the contrary is proved, and in case of any prosecution the burden of proving the contrary shall lie on the accused.

81. Compensation for damage caused by commission of offence.—(1) When any person is convicted of felling, cutting, girdling, marking, lopping or tapping trees, or of injuring them by fire or otherwise in contravention of this Act or of any rule made thereunder, the convicting court may, in addition to any other punishment which it may award, order that person to pay to the State Government such compensation, for each tree with respect to which the offence was committed, as it deems just.

(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting court may, unless after hearing that other person, it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (1).

(3) An appeal from any order under sub-section (1) or sub-section (2) shall lie to the court to which orders made by the convicting court are ordinarily appealable, and the order passed on such appeal shall be final.

82. Forfeiture of leases.—When the holder of any lease, licence or contract whatsoever granted or continued by or on behalf of the State Government for any of the purposes of this Act, or when any such offence is committed by any agent or servant of the holder of any such lease, licence or contract, and the State Government is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any wilful neglect or default on his part, the State Government or a Forest Officer duly empowered by the State Government in this behalf, may, by order in writing, declare the lease, licence, or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order.

[1][**82A. Criminal liability of licencee for acts of servants.**—Where any offence under this Act or rules made thereunder, is committed by any person in the employment and acting on behalf of the holder of a licence or permit granted under this Act, such holder shall also be punishable with a fine which may extend to rupees fifteen thousand as if he had committed the said offence unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punishable with imprisonment except in default or payment of fine.

82B. Offence by Companies etc.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this section has been committed by a company and it is proved that the offence has been

committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the Company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(*a*) "Company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "Director" in relation to a firm, means a partner in the firm.][1]

1. Sections 82A and 82B inserted by Act 12 of 1998 w.e.f. 11.5.1998.

CHAPTER X

PROVISIONS RELATING TO SANDALWOOD

[1][**83. Rights of certain persons entitled to sandal trees.-** (1) All persons who by the terms of their sannads, grants, or by judicial decision or otherwise are, prior to the commencement of this Act, legally entitled to the sandal trees in their lands shall not fell or sell such sandal tree or convert or dress sandal wood obtained from such tree or possess, store, transport or sell the sandal wood so obtained except in accordance with the provisions of the rules made under this Act.

(2) On or after the commencement of the Karnataka Forest (Amendment) Act, 2001 every occupant or holder of land shall be legally

entitled to the sandal tree in his land except where such sandal tree is declared to be the property of the State Government in any grant, lease, contract or other instrument, but such occupant or holder shall not fell or sell such sandal tree or convert or dress sandal wood obtained from such tree or posses, store, transport or sell the sandal wood so obtained except in accordance with the provisions of the rules made under this Act.][1]

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

[1][**84. Presumption in case of sandal wood.-** Wherein any proceedings taken under this Act or in consequence of anything done under this Act or under any law for the time being in force, a question arises as to whether any Sandalwood is the property of the State Government, it shall until the contrary is proved be presumed to be the property of the State Government and in case of any prosecution, the burden of proving the contrary shall lie on the accused."][1]

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

[1][**85. Responsibility of occupants and holders of land for the preservation of sandal trees etc.-** Every occupant or holder of land or any other person referred to in section 83 shall preserve all sandal trees growing in his land, and shall in the event of its theft, at once, report such fact to the nearest Forest Officer or Police Officer.][1]

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

86. Penalty for offence in regard to sandalwood.—In any case of a forest offence having reference to the cutting, uprooting, or removal or damage to, a sandal tree or any part of a sandal tree belonging to Government, [1][or to an occupant or holder of land or other person referred to in section 83][1], the offender shall, on conviction, be punishable with imprisonment for a term which may extend to [2][ten years][2][3][and with fine][3] which may extend to [2][one lakh rupees.][2]

1. Inserted by Act 20 of 2001 w.e.f. 5.9.2002.
2. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.
3. Substituted by Act 23 of 1974 w.e.f. 16.9.1974.

[1][Provided that,—

(i) in the case of first offence the term of imprisonment shall not be less than [2][five years][2] and the amount of fine shall not be less than [2][fifty thousand rupees][2]; and

(ii) in the case of a second or subsequent offence the term of imprisonment shall not be less than [2][seven years][2] and the amount of fine shall not be less than [2][seventy five thousand rupees.][2]][1]

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.
2. Substituted by Act 20 of 2001 w.e.f. 5.9.2002..

87. Regulation of sale and manufacture of sandalwood and sandalwood oil.—(1) No person shall possess, store or sell or attempt to store or sell sandalwood or disintegrate or attempt to disintegrate sandalwood in mills or by other contrivance, manufacture or distil, or attempt to manufacture or distil oil from sandalwood, or re-distil, [1][refine, possess, store or sell or attempt to refine , store or sell][1] oil extracted from sandalwood, except under a licence obtained from such Forest Officer on payment of such fees, and subject to such restrictions and conditions as may be prescribed:

Provided that no such licence shall be refused in respect of distillation of oil from sandalwood and possession and storage of sandalwood for purposes of distillation, and the sale of sandalwood oil so distilled, by persons *bona fide* carrying on the business of distillation immediately prior to the commencement of this Act, in any area of the State:

Provided further that no such licence shall be necessary for possession of sandalwood up to [1][three kilograms and sandalwood oil upto one hundred grams][1] for *bona fide* domestic use.

[2][Provided also that nothing in this sub-section so far as it relates to obtaining a licence to possess, store or sell or attempt to store or sell sandal wood shall apply to any person or occupant or holder of land referred to in section 83 in respect of sandal wood obtained from sandal tree grown by such person or occupant or holder in his land.][2]

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.
2. Inserted by Act 20 of 2001 w.e.f. 5.9.2002.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to [1][ten years][1] and with fine which may extend to [1][one lakh rupees][1]:

Provided that,—

(i) in the case of first offence, the term of imprisonment shall not be less than [1][five years][1] and the amount of fine shall not be less than [1][fifty thousand rupees][1];

(ii) in the case of a second or subsequent offence, the term of imprisonment shall not be less than [1][seven years][1] and the amount of fine shall not be less than [1][seventy five thousand rupees.][1]

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

CHAPTER XI

SPECIAL PROVISIONS RELATING TO CATECHU

88. Definitions.—In this Chapter, unless the context otherwise requires,—

(*a*) "land" means land belonging to the State Government or private lands;

(*b*) "prescribed" means prescribed by rules made under this Chapter.

89. Felling, etc., of catechu trees without permission prohibited.—No person shall fell, remove, girdle, mark, lop, tap, uproot or burn or strip, bark or leaves from or otherwise damage, any catechu tree growing, existing or found on any land or manufacture cutch unless such person is duly authorised in this behalf under this Chapter.

90. Felling, conversion or removal of catechu trees by the Forest or Revenue Department or by a person.—The felling, conversion or removal of catechu trees and timber or manufacture of cutch shall not be effected by any person, other than the following, namely:—

(1) by the officers of the Forest and Revenue Departments of the State Government authorised in this behalf by the State Government either by a general or special order; or

(2) by a person holding a permit granted by the [1][Deputy Conservator of Forest][1] [2][x x x][2].

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

2. Omitted by Act 1 of 1981 w.e.f. 23.2.1989.

91. Application for permit for felling catechu trees.—(1) Every person who, whether as holder, occupant, tenant, sub-tenant or lessee or in any other capacity, having right over catechu trees growing or existing or found on any land and who is desirous of felling such trees for manufacture of cutch, sale or other purposes, shall apply to the [1][Deputy Conservator of Forest][1] in the prescribed form and obtain a permit:

Provided that no such permit shall be necessary for felling of catechu trees sold by the Forest Department and manufacture of cutch from such trees.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

(2) Every permit referred to in sub-section (1) shall be in the prescribed form.

92. Transport, etc., of catechu trees or timber without permit prohibited.—No person shall transport or move any catechu trees or timber unless such trees or timber is accompanied by a permit.

93. Purchase or transport of cutch without permit prohibited.—No person shall sell or otherwise dispose of any stock of cutch or transport the same to any place except under a permit granted by the [1][Deputy Conservator of Forest][1] or purchase any stock of cutch from any person other than the person permitted by the [1][Deputy Conservator of Forest][1] to dispose of his stock:

Provided that such permission shall not be necessary for purchase and transport of cutch up to seven pounds for *bona fide* domestic use.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

94. Manufacture of cutch to be carried on in specified places.— The boiling of catechu logs, manufacture of cutch and other process for the manufacture of cutch shall be carried on only in such places and within such time as may be specified by the [1][Deputy Conservator of Forest][1]

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

95. Maintenance of accounts.—Every person who is permitted to manufacture cutch or who comes into possession of any stock of cutch exceeding seven pounds shall maintain regular, true and correct accounts in prescribed forms and send a return in the prescribed form to the [1][Deputy Conservator of Forest][1] on the first day of every month and shall continue to send such returns until the entire stock with him is exhausted.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

96. Power of Revenue, Forest and Police Officers to search and seize property liable to confiscation.— Any Revenue Officer not below the rank of a Revenue Inspector or any Forest Officer not below the rank of a Forest Guard or any Police Officer not below the rank of a Head Constable may, within his jurisdiction enter any land and inspect at all reasonable times, stock of cutch, catechu trees felled, boiling of catechu, accounts maintained and for that purpose enter any premises or stop any animal, vehicle, vessel or other conveyance and search the same and seize stocks of catechu trees and cutch together with the packages, coverings and containers thereof in respect of which he has reason to believe that any

of the provisions of this Chapter have been contravened, and the driver and other person or persons, who may, for the time being in charge of such animal, vehicle, vessel or other

conveyance, shall stop or secure the stopping of such animal, vehicle or other conveyance on demand by the said officer and render all assistance within their power in connection with such search or seizure:

Provided that in exercising the power of entry and search due regard shall be paid by such officer to the social and religious customs of the occupants of the premises or vehicle, vessel or other conveyance:

Provided further that if any such premises be found locked up and unoccupied or unattended by or on behalf of the owner or occupiers, the same may, in the presence of two respectable witnesses, be broken open and entered upon for any or all of the above purposes.

97. Power to make rules.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:—

(*a*) the forms of application and permit and their supply;

(*b*) the form of permit for the transport of catechu trees or timber;

(*c*) the languages in which the forms of application and permit shall be printed;

(*d*) the form in which accounts should be maintained.

98. Penalty.— Whoever contravenes the provisions of sections 89, 90, 91, 92, 93, 94, or 95 shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

[1][CHAPTER XI-A

FOREST DEVELOPMENT [1][FEE][1]

1. Substituted by Act, 23 of 2016 w.e.f 16.08.2016

98A. Levy of Forest Development [8][fee][8].—(1) Notwithstanding anything contained in this Act, in respect of forest produce disposed of by the State Government [2][or by a corporation, owned [8][or controlled by the State Government][8] or a body notified by the State Government][2] by sale or otherwise, there shall be levied and paid to the State Government a [8][fee][8]

at the rate of [6][[3][twelve percent][3]][6] on the amount of consideration paid therefor.

[7][[4][Provided XXX][4]][7]

[9][[5][Provided XXX][5]][9]

[10][Provided also that, in respect of minerals which is a forest produce the rate of Forest Development fee shall be twelve percent.][10]

1. Chapter XIA Inserted by Act 15 of 1976 w.e.f. 24.12.1975.
2. Inserted by Act 10 of 1989 w.e.f. 14.12.1978
3. Substituted by Act 14 of 1980 w.e.f. 17.4.1980.
4. Inserted by Act 7 of 1983 w.e.f. 1.4.1983.
5. Inserted by Act 10 1989 w.e.f. 1.10.1983.
6. Substituted by Act 41 of 2015 w.e.f.23.12.2015
7. Omitted by Act 41 of 2015 w.e.f.23.12.2015
8. Substituted by Act, 23 of 2016 w.e.f 16.08.2016
9. Omitted by Act, 23 of 2016 w.e.f 23.12.2015.
10. Inserted by Act, 23 of 2016 w.e.f 16.08.2016

[1][**Explanation:** (1) For the removal of doubts, it is hereby declared that for the purposes of this sub-section, the words "a body notified by the State Government" shall mean and include all entities directly or indirectly engaged in disposing of forest produce found in, or brought from, a forest, as individuals or other entities including Hindu Undivided Family, Company or foreign Company, partnership firms, societies, cooperative societies,

other bodies corporate, trusts, lease holders of mines and quarries situated in forest area or any other association or committee or person, whether or not such individuals or entities constituted themselves into a juristic entity and whether or not such individuals or entities collectively come together and act as a group or body.

Explanation: (2)For the removal of doubts, it is hereby declared that for the purpose of this sub-section, the words, "or otherwise" includes disposal through captive consumption.

Explanation: (3)For the removal of doubts, it is hereby declared that Forest Development Fee shall be levied on the disposal of the forest produce irrespective of whether such forest produce is intended for sale inside or outside the State of Karnataka or for the purpose of export or for captive consumption.][1]

1. Inserted by Act, 23 of 2016 w.e.f 16.08.2016

[1][(1A) Notwithstanding anything contained in sub-section (1), no [2][fee][2] shall be payable to the State Government by a corporation, owned or

controlled by the State Government to the extent of [2][fee][2] not levied and collected by it during the period from fourteenth day of February, 1978, till the commencement of the Karnataka Forest (Amendment) Act, 1988.][1]

1. Inserted by Act 10 of 1989 w.e.f. 16.3.1989.
2. Substituted by Act, 23 of 2016 w.e.f 16.08.2016.

[1][(1-B) Notwithstanding anything contained in subsection(1), no fee shall be levied on the forest produce which is not found in or not brought from the forest except when it is disposed of by the State Government; (1-C) Notwithstanding anything contained in subsection(1), no Forest Development Fee on forest produce shall be payable to the State Government, for which no demand was raised during the period from 16th August of 2008 till the commencement of the Karnataka Forest (Amendment) Act, 2015 (Karnataka Act 41 0f 2015); and

(1-D) The State Government may make rules regarding manner of Levy, computation and collection of Forest Development fee from a retrospective date.][1]

1. Inserted by Act, 23 of 2016 w.e.f 16.08.2016

(2) The said [2][fee][2] shall be collected along with such consideration.

(3) It is hereby declared that the said [2][fee][2] shall be in addition to and not in lieu of any [2][fee][2] payable in respect of such produce under any other law in force.

[1][(4) There shall be levied and collected interest at the rate of eighteen percent per annum till the date of payment or recovery of all [2][fee][2] dues.] [1]

1. Inserted by Act 24 of 2009 w.e.f. 17.09.2009.
2. Substituted by Act, 23 of 2016 w.e.f 27.07.2016.

98B. Forest Development Fund.—(1) There shall be constituted for the State of Karnataka a Fund called the Karnataka Forest Development Fund.

[1][(2) The following shall form part of the Karnataka Forest Development Fund, namely:—

(*a*) the [3][fee][32][and interest][2] levied and collected under section 98A;

(*b*) the money recovered for raising compensatory plantation in lieu of the forest area made over for non-forestry purposes;

(*c*) sandal surcharges collected for the development of sandalwood resources;

(2A) The amounts referred to in sub-section (2) shall first be credited to the Consolidated Fund of the State and under appropriation duly made by

law in this behalf, be entered in and transferred to the Karnataka Forest Development Fund.][1]

1. Sub-section 2 and 2A Substituted by Act 10 of 1989 w.e.f. 16.3.1989.
2. Inserted by Act 24 of 2009 w.e.f. 17.09.2009.
3. Substituted by Act, 23 of 2016 w.e.f 16.08.2016.

(3) Any amount transferred to the said fund under sub-section (2), shall be charged upon the Consolidated Fund of the State.

[2][(4). The amount at credit of the said fund shall be expended only for one or more of the following purposes, namely:-

(a) raising of plantations in notified forest areas and such other purposes as are ancillary thereto namely soil and moisture conservation works in notified forest areas;

(b) consolidation of the boundaries of notified forest areas; (c) Acquisition of private areas for the consolidation of forests; (d) construction and maintenance of forest housing in rural areas for frontline staff;

(e) training, capacity building, research and technology;

(f) sustaining Joint Forest Planning and Management activities and the Village Forest Committees/eco development committees;

(g) rehabilitation and resettlement of people from interior forest areas;
(h) such other activities relating to Forest development or management or wild life protection and management as may be notified by the State Government from time to time][1]][2]

2. Substituted by Act 41 of 2015 w.e.f.23.12.2015.

[1][**98C. Power of State Government to exempt or reduce Forest Development fee.-** (1) The State Government may, if in its opinion it is necessary in public interest so to do, by notification and subject to such restrictions and conditions and for such period as may be specified in the notification, exempt or reduce either prospectively or retrospectively the forest Development fee payable under this Act, by any specified class of persons or in respect of any specified forest produce;

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(2) The State Government may, by notification cancel or vary any notification issued under sub-section (1).

(3) Where any restriction or condition specified under sub-section (1) is contravened or is not observed by a person or a declaration furnished under the said sub-section is found to be wrong, then such person shall be liable to pay by way of penalty an amount equal to twice the difference between the fee payable at the rates specified by or under the Act and the fee paid at the rates specified under the notification on the consideration of such forest produce in respect of which such contravention or non-observance has taken place or a wrong declaration is furnished:

Provided that before taking action under the sub-section the person shall be given a reasonable opportunity of being heard."

4. For the removal of doubts it is hereby declared that, the levy assessment and collection of Forest Development tax under the principal Act as amended by this Act or any rules, notification, order letter or guidelines shall be deemed to have always been levied and collected as Forest Development Fee.

5. No penal proceedings shall be commenced against any person for any contravention of the provisions of chapter XIA of the Principal Act that may arise as a consequence of the retrospective amendments made by this Act.

6. Validation of Levy and collection of any amount as Forest Development Tax or Fee.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary levy, assessment or collection of any amount as tax or fee on Forest produce as Forest development Tax or fee made or purporting to have been made and any action or thing taken or done (including any notices or orders issued or assessment made) and all proceedings held and any levy and collection of tax, fee or amount purported to have been collected by way of tax or fee in relation to such levy assessment or collection under the provisions of the Principal Act or any rules, notification, order, guidelines or letters before the commencement of this Act shall be and shall be deemed to be valid and effective for all purposes as if such levy, assessment or collection or action or thing had been made, taken or done under the Principal Act as amended by this Act and accordingly:- (a) all acts, proceedings or things done or any action taken by the Government or as the case may be the Forest Department officers in connection with the levy, assessment or collection of any amount as forest Development tax or Forest Development fee for all purposes be deemed to be, and to have always been made done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such tax or fee; and

(c) no Court shall enforce any decree or order directing the refund of any such tax or fee.][1]

1. Inserted by Act, 23 of 2016 w.e.f 27.07.2016

CHAPTER XII

MISCELLANEOUS

99. The State Government may invest Forest Officers with certain powers.—(1) The State Government may, by notification, 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 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 [1][Code of Criminal Procedure, 1973 (Central Act II of 1974);][1]

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

(*d*) power to hold inquiries into forest offences, and, in the course of such inquiry, to receive and record evidence;

(*e*) power to notify the seasons and manner in which fire may be kindled, kept or carried in a reserved forest;

(*f*) power to grant any permission referred to in sections 25 and 50; (*g*) power to notify stations for the reception of drift timbers;

(*h*) power to give public notice of timber collected under section 53; (*i*) power to take possession of property under this Act;

(*j*) power to direct the release of property or withdrawal of charges; (*k*) power to stop and check any vehicle suspected to carry forest produce.

[1][(l) power to do any other act which, in the opinion of the State Government, is conducive to the better protection and security of forest wealth belonging to the State Government and in particular sandal wood.][1]

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

(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 and recorded in the manner provided by [1][section 274 or section 275 of the Code of Criminal Procedure, 1973 (Central Act II of 1974).][1]

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

100. Removal of forest produce from inam lands.—No trees, wood or timber or other forest produce shall be removed from inam forest lands without a permit, to be obtained under such rules as may be prescribed, provided that no fee shall be payable for such permits.

101. Control over reserved trees.—The State Government may by rules regulate the preservation, reproduction and disposal of sandal trees and such classes of reserved trees as it deems fit.

[1][**101A. Grant of forest produce on seigniorage rate.**—[1][(1)][1] The State Government may grant to any person, any tree, wood or timber or other forest produce in any district or reserve forest on payment by such person, such seigniorage value as may [2][x x x][2], subject to general or special orders of the State Government, [3][be fixed][3] by the Chief Conservator of Forests.][1]

1. Section 101A Inserted by Act 1 of 1981 w.e.f. 1.6.1969 and renumbered has sub-section (1) by Act 1 of 1981 w.e.f. 23.2.1981.
2. Omitted by Act 1 of 1981 w.e.f. 23.2.1981.
3. Substituted by Act 1 of 1981 w.e.f. 23.12.1981.

[1][Provided that no seigniorage value shall be payable in respect of bark for the period from the Nineteenth day of February, 1981 to the Thirty-first day of August, 1983:

Provided further that the State Government may, for a period of ten years from the First day of October, 1983, and on payment of fifty per cent of such seigniorage value, grant to any person eucalyptus or bamboos for the manufacture of news print.][1]

1. Inserted by Act 10 of 1989 w.e.f. 23.2.1981.

[1][(2) The holder of a lease or agreement or any other document granted or entered into prior to the commencement of the Karnataka Forest (Amendment) Act, 1980 and providing for supply of any tree, wood, timber or other forest produce by the State Government shall, notwithstanding anything contained in the instrument of lease or agreement or other document or in any law in force at such commencement, pay, in respect of such tree, wood, timber or other forest produce received by him after such

commencement, value (by whatever name called) at the rate for the time being specified in the rules made or orders issued under sub-section (1), in respect of such tree, wood, timber or other forest produce.

(3) The holder of any such lease, agreement or document, granted or entered into after the commencement of the Karnataka Forest (Amendment) Act, 1980 notwith-standing anything contained in such lease, agreement or document shall, pay, in respect of any tree, wood, timber or other forest produce received by him, value (by whatever name called) at the rate for the time being specified in the rules made or orders issued under sub-section (1), in respect of such tree, wood, timber or other forest produce.

(4) The rates specified in the rules made or orders issued under sub-section (1), may be modified from time to time by the Chief Conservator of Forests:

Provided that the Chief Conservator of Forests shall not enhance the rate or value in respect of any tree, wood, timber or other forest produce more than once during any period of two years.][1]

1. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

[1][**101B. Supply of forest produce under agreement by the State Government.**—(1) No lease, agreement or any other document entered into by the State Government and

providing for supply of fire-wood, timber or other forest produce by the State Government shall, at a time, be for a term exceeding five years and the supply under every such lease, agreement or other document shall be subject to the condition of availability of such tree, wood, timber or other forest produce.

(2) Any lease or agreement or any other document providing for the supply of tree, wood, timber or other forest produce by the State Government, granted or entered into prior to the commencement of the Karnataka Forest (Amendment) Act, 1984,—

(*a*) for a term exceeding five years and in force on the date of such commencement, shall cease to be in force on the expiry of the term specified therein or the period of five years from the date of such commencement, whichever is earlier;

(*b*) shall be and shall be deemed to be subject to the condition of availability of such tree, wood, timber or other forest produce.][1]

1. Inserted by Act 11 of 1984 w.e.f. 13.1.1984.

102. General powers to make rules.—(1) The State Government may by notification, make rules to carry out all or any of the purposes of this Act.

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

(*a*) to prescribe and limit the powers and duties of any Forest Officer under this Act;

(*b*) to regulate the procedure of Forest Settlement Officers;

(*c*) for the preservation, reproduction and disposal of trees, timber and other forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons;

(*d*) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act or otherwise.

[1][(*e*) to regulate the cutting, felling, sale or disposal of blackwood or bite tree (Dalbergia Latifolia);

(*f*) to prescribe the fees to be levied in respect of licences, permits, passes or permissions issued under this Act or rules made thereunder;

(*g*) in respect of any other matter which is required or allowed by this Act to be prescribed][1];

1. Clauses (e) to (g) inserted by Act 23 of 1974 w.e.f. 1.6.1969.

103. Rules to be laid before State Legislature.—Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

104. Penalties for Contravention of Act or rules.—Any person contravening any provision of this Act or any rule made under this Act, for the contravention of which no special penalty is provided, shall, on conviction be punishable with imprisonment for a term which may extend to [1][six months][1] or with fine which may extend to [1][one thousand rupees][1], or with both:

[2][Provided that any person contravening any such provision relating to sandalwood, shall, on conviction, be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.][2]

1. Substituted by Act 23 of 1974 w.e.f. 16.9.1974.
2. Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

[1][**104A. Restrictions on trade and transport of blackwood or Bite trees and timber thereof.**—(1) No person other than,—

(*a*) the State Government; or

(*b*) the officers of the State Government not below the rank of a [2][Deputy Conservator of Forest][2], authorised in writing in this behalf,

shall purchase or transport any blackwood or bite tree (Dalbergia Latifolia) or timber thereof:

Provided that the purchase of any such tree or timber from the State Government or the aforesaid officers shall not be deemed to be a purchase in contravention of the provisions of this sub-section:

Provided further that the State Government may by order exempt any such tree or timber below such measurements as may be specified by it from time to time from the provisions of sub-section (1).

1. Section 104A and 104B inserted by Act 23 of 1974 w.e.f. 16.9.1974.
2. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

(2) No person shall sell or otherwise dispose of any such tree or timber to any person other than the State Government or the aforesaid officers.

(3) Notwithstanding anything contained in sub-section (1) any such tree or timber purchased from the State Government or the aforesaid officers by any person for *bonafide* personal use may be transported by such person in accordance with the terms and conditions of a permit issued by such authority and in such manner as may be prescribed.

(4) The price of any such tree or timber shall be such as the State Government may by order specify from time to time, having regard to,—

(*a*) prevalent market price;

(*b*) quality of the timber in the locality;

(*c*) transport facilities available in the locality;

(*d*) the cost of transport;

(*e*) general level of wages for labour prevalent in the locality; and

(*f*) such other matters as may be prescribed.

(5) The State Government or the aforesaid officers may establish such number of depots as may be necessary where any such tree or timber may be sold to the State Government or the aforesaid officers.

(6) The State Government or the aforesaid officers subject to the general supervision and control of the State Government shall be bound to purchase at the price fixed under sub-section (4) any such tree or timber offered for sale during the hours of business.

(7) Any tree or timber purchased under sub-section (1) shall be sold or otherwise disposed of in such manner as the State Government may from time to time direct.

(8) Any person contravening the provisions of this section or any rule made thereunder shall, on conviction, be punishable with imprisonment for a term which may extend to [1][five years][1] and with fine which may extend to [1][ten thousand rupees.][1]

1. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

104B. Certain offences to be cognizable.—All offences under Chapter X and under section 104A and rules made thereunder shall be cognizable.][3]

[1][**104C. Abetment.**—Any person including, subject to section 114, any Forest Officer, who abets the Commission of any offence punishable by or under this Act or the commission of an act which would be an offence if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abetter, shall be deemed to have committed such offence and shall be punishable with the punishment provided for such offence.

104D. Special provision regarding bail.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) no person accused of a forest offence, punishable under sections 86 or 87 or 104A or in respect of ivory, 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, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

[2][**104E.** x x x][2]

104F. Persons not be released on probation.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the Probation of Offenders Act, 1958 (Central Act 20 of 1958), no person convicted of an offence punishable under sections 86, 87, or 104A, shall be released on probation or admonition.

104G. Removal of persons convicted of certain offences.—(1) When any person having been previously convicted twice or more of an offence punishable under sections 86, 87 or 104 A is again convicted of an offence punishable under any of the said sections, the court may, if it thinks fit, at the time of passing the sentence on such person, also, by order, direct such person to remove himself after the expiry of such sentence outside any district or any other area specified in such order.

(2) The order under sub-section (1), shall specify the period not exceeding two years during which such order shall remain in force and shall specify such conditions and restrictions as may be specified in the rules, by the State Government.

(3) If such conviction is set aside on appeal or otherwise, such order shall become void.

(4) An order under this section may also be made by an appellate court or by the High Court when exercising its powers of revision.

(5) If a person to whom a direction is issued under this section to remove himself from any area,—

(i) fails to remove himself as directed; or

(ii) having so removed himself, except with the permission in writing of the court mentioned in sub-section (1), enters the area within the period specified in the order,

the court may cause him to be arrested and removed in police custody to such place outside the area as the court may, in each case, specify.

(6) Any person who is guilty of the breach of any order passed under this section or of any of the conditions or restrictions specified in such order, shall be punished with imprisonment which may extend to three years or with fine, or with both.][1]

1. Section 104C to 104G Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

2. Section 104E Omitted by Act 11 of 1984 w.e.f. 13.1.1984.

105. Persons bound to assist Forest Officers and Police Officers.—(1) Every person who exercises any right in a reserved forest or protected

forest or district forest or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in any forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such forest or 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 forest or protected forest or district 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, on conviction, 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.

106. Management of forests which are the joint property of State Government and other persons.—(1) If the State Government and any person be jointly interested in any forest or waste land, or in the whole or any part of the produce thereof, the State Government may either,—

(*a*) undertake the management of such forest, waste land or produce, accounting to such person for his interest in the same; or

(*b*) issue such regulations for the management of the forest, waste land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the State Government undertakes under clause (*a*) of sub-section (1) the management of any forest, waste land or produce, it may, by notification, 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.

107. Power of State Government to apply provisions of this Act to certain lands of State Government or local authority.—The State Government may, by notification, 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.

108. Failure to perform service for which a share in produce of Government forest is enjoyed.—(1) If any person is entitled to a share in the produce of any forest which is the property of the State Government or over which the State Government has proprietary rights or to any part of the forest produce of which the State Government is entitled, upon the conditions of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the State Government.

(2) Any person aggrieved by the confiscation of his share under sub-section (1) may within sixty days from the date of receipt of the order of the State Government, appeal to the High Court.

109. Recovery of money due to Government.— [1][(1)][1] All money payable to the State Government under this Act, or under any rule made under this Act, or on account of the price of 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 as if it were an arrear of land revenue.

1. Renumbered by Act 20 of 2000 w.e.f. 4.10.2000.

[1][(2) Notwithstanding any thing contained in sub-section (1) or in any other law for the time being in force, on an application made by a Forest Officer, for the recovery of arrears of any sum due by any person towards lease, rent, forest development tax, royalty, price of any forest produce or any other sum due under this Act, or any rule, order or notification made or issued thereunder, the Conservator of Forest may after making an enquiry and giving a reasonable opportunity of being heard to such person, decide the sum due, and issue a certificate for recovery of the said sum.

(3) An order made under sub-section (2), shall be binding on the person against whom it is made and shall, if not carried out, on a certificate signed by the Conservator of Forest, be deemed to be a decree of Civil Court, and shall be executed in the same manner as a decree of such Court.][1]

1. Inserted by Act 20 of 2000 w.e.f. 4.10.2000.

110. Lien on forest produce for such money.—(1) When any money referred to in section 109 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 duly empowered in this behalf and may be retained by him 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 sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within sixty days from the date of sale by the person entitled thereto, shall be forfeited to the State Government.

111. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act.—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.

112. Recovery of penalties due under bond.—(1) 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 contravention of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such contravention as if it were an arrear of land revenue.

(2) If any question arises,—

(*a*) whether there has been a contravention of any of the conditions of such bond or instrument;

(*b*) as to the sum to be paid for such contravention;

(*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 [1][Deputy Conservator of Forest][1] authorised by the State Government in this behalf. The person aggrieved by the decision of such officer may, within a period of sixty days from the date of such decision, appeal to the State Government or such other appellate authority as the State Government may by notification, appoint in this behalf. The decision of such officer, subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

113. Forest Officers deemed to be public servants.—All Forest Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

114. Indemnity for acts done in good faith.—No suit, prosecution or other legal proceeding shall lie against any Forest Officer for anything done or omitted to be done by him in good faith under this Act or the rules or orders made thereunder.

[1][**114A. Suits or prosecution in respect of acts done under colour of duty not to be entertained without sanction of the State Government.-**(1) In any case of alleged offence or of wrong alleged to have been

committed by any Forest Officer, by any act done under colour or in excess of any such duty or authority under this Act, or wherein it shall appear to the court that offence if committed was of the character aforesaid, the prosecution or suit shall not be entertained except with the previous sanction of the State Government.

(2) In the case of an intended suit on account of such wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice atleast of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if so, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed with a declaration by the plaintiff of the time and manner of service thereof.][1]

1. Inserted by Act 20 of 2000 w.e.f. 4.10.2000.

115. Forest Officer not to trade.— (1) No Forest Officer shall, as principal or agent or in any other capacity, trade in timber or other forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether within or outside the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) Whoever contravenes the provisions of sub-section (1) shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine or with both.

116. Central Act No. 67 of 1957 to prevail.—Nothing in this Act shall be deemed to affect the operation of the Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and the rules, made thereunder, and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Mines and Minerals (Regulation and Development) Act, 1957.

117. Repeal and savings.—The Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the [1][Belgaum Area][1], the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Coorg District, the Hyderabad Forest Act, 1355 Fasli (Hyderabad Act II of 1355 Fasli), as in force in the [1][Gulbarga Area][1], the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the [1][Mangalore and Kollegal Area][1], the Mysore Forest Act, 1900

(Mysore Act X of 1900), as in force in the Mysore Area, and the [1][Karnataka][1] Preservation of Private Forests Act, 1962 ([1][Karnataka][1] Act No. 19 of 1962), are hereby repealed:

Provided that the repeal shall not affect,—

(*a*) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy, may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, or scheme framed, certificate obtained, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

118. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

* * * *

NOTIFICATIONS

I

Bangalore, dated 1st March, 1969. [No. AFD 2 FAD 69.]

S.O. 491.—In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Forest Act, 1963 (Mysore Act 5 of 1964) the Government of Mysore hereby appoints the 1st June 1969 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(S.BALASUBRAMANYAN)

Under Secretary.

(Published in the Karnataka Gazette Part IV—2-C (ii) dated 13-3-1969.)

II

Bangalore, dated 4th September, 1974. [No. AFD 130 FDP 74 (I).] **G.S.R. 256.**—In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Forest (Amendment) Act, 1974, (Karnataka Act No. 23 of 1974), the Government of Karnataka hereby appoints the 16th day of September 1974 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka, (S.SHYAM SUNDER)

Special Officer and Ex-Officio Deputy Secretary to Government, Agriculture and Forest Department.

Forest, Environment and Ecology Secretariat

Notification

No. FEE 16 FSW 2001, Bangalore,

Dated 5th September, 2002

In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka Forest (Amendment) Act, 2001 (Karnataka Act, 20 of 2001), the Government of Karnataka hereby appoints the 5th September 2002 to be the day on which the said Act shall come into force.

By order and in the name of the Governor of Karnataka,

K.V. Jayalakshmi

Under Secretary to Government,

Forest, Environment and Ecology Department.

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KARNATAKA ACT NO 41 OF 2015

THE KARNATAKA FOREST (AMENDMENT) ACT, 2015

(Received the assent of the Governor on the Twenty first day of December 2015)

An Act further to amend the Karnataka Forest Act, 1963.

Whereas it is expedient further to amend the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty sixth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Forest (Amendment) Act, 2015.

(2) It shall come into force at once.

Section 98A, 98B are incorporated in the Principal Act

KARNATAKA ACT NO 23 OF 2016

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty Seventh day of July, 2016)

THE KARNATAKA FOREST (AMENDMENT) ACT, 2016

(Received the assent of the Governor on the Twenty Sixth day of July, 2016)

An Act further to amend the Karnataka Forest Act, 1963.

Whereas it is expedient further to amend the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964), for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the sixty- seventh year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Forest (Amendment) Act, 2016.

(2) It shall come into force at once.