THE TAMIL NADU FOREST ACT
ACT NO. V OF 1882

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THE TAMIL NADU FOREST ACT

ACT NO. V OF 1882

Preamble	**CHAPTER I**
	PRELIMINARY
Short Title	This Act may be called the Tamil Nadu Forest Act, 1882.
	[3]It extends to the whole of the State of Tamil Nadu
Local Extent	Provided that the [4]Government may, by notification in the [5]Official Gazette, exempt any place from the operation of the whole or any portion of this Act but not so as to affect anything done or any offence committed or any fine or penalty incurred or any proceedings commenced in such place before such exemption, and may in like manner vary or cancel such notification;
	and it shall come into force on such day as the [4]Government may by notification in the [5]Official Gazette direct.
	1-A. The provisions of Chapters VI-A and VI-B shall apply only to the transferred territory.
Interpretation Clause	2 In this Act, and in all Rules made hereunder unless there is something repugnant in the subject or context :-
Government	"Government" means the [4]State Government:
Collector	"Collector" means the Chief Executive Revenue Officer of a district;
Forest Officer	"Forest Officer" means any person appointed by name or as holding an officer by or under the orders of the Government to be a Conservator, Deputy Conservator, Assistant Conservator [6](Extra Assistant Conservator), Forest
	Ranger, Forester, Forest Guard; or to discharge any function of a Forest Officer under this Act or any rule made there under::
District Forest Officer	District Forest "District Forest Officer" means the Chief Forest Officer of a District or Officer of a portion of a district if in independent charge of such portion:
Tree	"Tree" includes stumps, bamboos and brushwood;
Timber	"Timber" - "Timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not;
Forest Produce	Forest Produce "Forest Produce" includes the following things when found in, or brought from a Forest (that is to say):-

	Minerals (including limestone and laterite), surface soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibers, leaves, moss, flowers, fruits, seeds, roots, galls, spices, juice, catechu, bark, cao-utchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey and wax skins, tusks, bones and horns;
	Explanation 1 - In the transferred territory, "forest produce" also includes the following things, whether found in, or brought from, a forest or not, that is to say:-
	timber or trees which are specified to be royalties under section 40-G.
	Explanation II - For the purpose of explanation 1, timber does not include any wood that has been wrought for fashioned such as doors, windows, articles or furniture and boxes:;
Forest offence	Forest offence " Forest offence means an offence punishable under this Act or any rule made hereunder;
Cattle	"Cattle" includes elephants, camels, buffaloes, horses, mares, ponies, colts, fillies, mules, asses, pigs, rams, cows, sheep, lambs, goats and kids.
River	"river" includes streams, canals, backwaters, creeks, and other channels, natural or artificial.
Land at the disposal of Government	"Land at the disposal of Government" includes all unoccupied land, whether assessed or unassessed; but does not include land the property of land-holders by section 1 of Act VIII of 1865, 1Tamilnadu (namely), all persons holding under a sanad milkiyat-i-istimrar; all other zamindars shrot riyamdars, jagirdars, jnamdars and all persons farming lands from the above persons or farming the land revenue under Government; also all holders of land under riyotwar settlements. Or in any way subject to the payment of land-revenue direct to Government, and all other registered holders of land in property right;
	Explanation - In the transferred territory, "land at the disposal of Government" also includes all land occupied temporarily and all land occupied without permission, whether assessed or unassessed, but does not include land being the property of jenmies ro Devaswoms:'

Magistrate	"Magistrate" means a Magistrate of the first or second Class and includes a Magistrate of the third class when he is specially empowered by Government to try forest offences;
Imprisonment	"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.
	"Scheduled timber" means any timber as specified in the schedule.
Transferred Territory	Transferred territory means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district".

RESERVED FOREST	**CHAPTER – II**
Power to Reserve Forests	3. The 1Government may constitute any land at th disposal of Government a reserved forest in the manne hereinafter provided.
	4. Notification by the Government :- Whenever it is proposed to constitute any land a reserved forest, the 1Government shall publish a notification in the 2Official Gazette and in the Official Gazette of the district.
	(a) Specifying, as nearly as possible, the situation and limi of such lands;
	(b) declaring that it is proposed to constitute such land a reserved forest ;
	(c) appointing an officer (hereinafter called "the Fores Settlement Officer") to inquire into and determine th existence, nature and extent of any rights claimed by, o alleged to exist in favour of , any person in or over any lan comprised within such limits, or to any forest produce o such land, and to deal with the same as provided in thi chapter.
	The Officer appointed under clause(c)of this section shall ordinarily be a person other than a Forest Officer, but a Forest Officer may be appointed by the 1Government to attend on behalf of the Government at the inquiry prescribed by this chapter.
Suits barred	5. Except as hereinafter provided no Civil Court

	shall between the dates of the publication of the notificatio under section 4 and the notification to be issued under section 16, entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification published under section 4.
Proclamation by Forest settlement officer	6. When a notification has been issued under section 4, the Forest Settlement Officer shall publish in the Official Gazett of the district and at the headquarters of each taluk in which any portion of the land included in such notification is situated, and in every town and village in the neighbourhood of such land a proclamation:
	(a) specifying, as nearly as possible, the situation and limit of the land proposed to be included within the reserve forests;
	(b) setting forth the substance of the provisions of section 7;
	(c) explaining the consequences which, as hereinafter provided will ensure on the reservation of such forests; and
	(d) fixing a period not less than three months from the dat of publishing such proclamation in the Official Gazette of th district and requiring every person claiming any righ referred to in section 4 either to present to such officer within such period, a written notice specifying, or to appea before him within such period and state the nature of such right and in either case to produce all documents in suppor thereof.

	The Forest Settlement Officer shall also serve a notice to th same effect on every known or reputed owner or occupier o any land included in or adjoining the land proposed to b constituted a reserved forest, or on his recognized agent o manger. Such notice may be sent by registered post t persons residing beyond the limits of the district in whic such land is situated.
Bar of accrual	7. During the interval between the publication of such proclamation and the date fixed by the notification unde section 16,
	No right shall be acquired in or over the land included i such proclamation, except under a grant or contract i writing, made or entered into by, or on behalf of th Government, or by, or on behalf of such person in whon such right, or power to create the same was vested when th proclamation was published, or by succession from suc person:
Prohibition of clearings, etc.	And no fresh clearings for cultivation or for any othe purpose shall be made on such land. No patta shall, withou the previous sanction of the Board of Revenue, be granted o behalf of [1]Government in such land, and every patta grante without such sanction shall be null and void.
	Nothing in this section shall be deemed to prohibit any ac done with the permission in writing of the Forest Settlemen Officer.
Enquiry by Forest Settlement Officer	8. The Forest Settlement Officer shall take down in
	writing all statements made under section 6, and shall inquir into all claims made under the section recording the evidenc in the manner prescribed by the Code of Civil Procedure [2]i appeal able cases.

	The Forest Settlement Officer shall at the same time conside and record any objection which the Forest Officer (if any appointed under section 4 may make to any such claim.
Powers of Forest Settlement Officer	9. For the purpose of such enquiry the Forest Settlemer Officer may exercise the following powers (that is to say):-
	(a) power to enter, by himself or any officer authorized b him for the purpose, upon any land, and to survey, demarcat and make a map of the same; and
	(b) the powers conferred on a Civil Court by the Code c Civil Procedure for compelling the attendance of witnesse and the production of documents.
	10. In the case of a claim to a right in or over and land othe than the following rights
	(a) A right of way;
	(b) A right to a water-course, or to use of water;
	(c) A right of pasture; or
	(d) A right to forest produce
	The Forest Settlement Officer shall pass an order specifyin the particulars of such claim and admitting or rejecting th same wholly or in part
Admitted claims	(i) If such claim is admitted wholly or in part, the
	Forest Settlement Officer may (1) come to an agreement wit the claimant for the surrender of the right; or (2) exclude th land from the limits of the proposed forests, or (3) procee to acquire such land in the manner provided by the Lan Acquisition Act, 1870.
	For the purpose of so acquiring such lands:-

	(i) the Forest Settlement Officer shall be deeme to be a Collector proceeding under the Lan Acquisition Act, 1870
	(ii) the claimant shall be deemed to be a perso interested and appearing before him in pursuance o a notice given under section 9 of that Act.
	(iii) The provisions of the preceding sections of tha Act shall be deemed to have been complied with and
	(iv) The Forest Settlement Officer with the conser of the claimant, or the Court (as defined in the sai Act) with the consent of the claimant and of th Collector of the district may award compensation b the grant of right in or over land, or by the paymen of money, or both.
Rejected Claims appeals	(2) If such claim is rejected wholly or in part, the claiman may, within thirty days from the date of the order prefer a appeal to the District Court in respect of such, rejection only provided, that the [1]Government
	may, on just and reasonable cause for the same being shown extend the period for such appeal within such further perio as may seem proper, and an order or endorsement under th signature of one of the Secretaries to Government shall b sufficient authority for the said Court to entertain such appea beyond the limit above specified. If the court decides tha the claim or such part thereof as has been rejected should, b admitted, the Forest Settlement Officer shall proceed to dea with it in like manners as if it had been in the first instanc admitted by himself.

	(3) When a claim has been admitted in the first instanc wholly or in part, a like appeal may be preferred on behalf o Government by the Forest Officer appointed under section or other person generally or specially empowered by th 1Government in this behalf.
Claims to rights of way watercourse pasture and to Forest produce	11. In the case of a claim to rights of the kind specified in clauses (a) , (b), (c) and (d) of section 10, the Forest Settlement Officer shall pass an order specifying the particulars of such claim as far as may be necessary to define the nature incidents and extent of the rights, claimed and admitting or rejecting such claim wholly or in part,
	When a claim to any such right is admitted, if the right is fo the beneficial enjoyment of any land or buildings, he shal record the designation, position and area of such land, an the designation, position and area of such land, and th designation and position of such
	buildings.
	Where the right is a right to forest produce, he shall als record whether the forest produce, obtained by the exercis of such right may be sold or bartered.
Provision of rights of pasture or to Forest produce admitted	12. When the Forest Settlement Officer has admitted wholl or in part, and recorded under section 11, a claim to a right o pasture or to forest produce, he shall, as far as possible provide for the exercise of such right:-
	(a) by altering the limits of the proposed reserved forest s as to exclude land of sufficient extent, of suitable kind, an in a locality reasonably convenient for the purposes of th claimant;
	(b) by recording an order continuing to the claimant a righ of pasture or to forest produce (as the case may be) subjec to such rules as may be prescribed by the 1Government

	The order passed under clause (b) shall record as far a practicable, the number and description of the cattle whic the claimant is from time to time entitled to graze, the loca limits within which and the seasons during, which suc pasture is permitted; or;
	The quantity of timber or other forest produce which th claimant is authorized to take or receive, the local limit within which, the season during which and the mode i which the taking of such produce is permitted; and;
	Such other particulars as may be required in order define the extent of the right which is continued, and
	the mode in which it may be exercised.
Commutation of such rights	13. Whenever any right of pasture or to forest produc admitted under section 11 is not provided for in one of th ways prescribed in section 12, the Forest Settlement Office shall, subject, to such rules as the Government, ma prescribe in this behalf, commute such right by paying a sur of money in lieu thereof or with the consent of the claiman by the grant of right in or over land or in such other manne as such officer thinks fit.
Appeal from order passed under sections 11,12 and 13	14. The claimant or the Forest Officer appointed unde section 4, or any other person generally or speciall empowered by the government in this behalf may within 6 days, from the date of any order passed by the Fores Settlement Officer under sections 11,12, and 13 present a appeal from such order

	to a forest Court constituted as hereinafter provided or wher no such court is constituted, to such officer of the Revenu Department of not less than 12 years standing as th [1]Government may, from time to time by notification in th [2]Official Gazette appoint by name or as holding an office, t hear appeals from such orders.
	In disposing of such appeals the Revenue Officer appointe as aforesaid shall be guided by the provisions of sections 3 and 40 of this Act.
Appeal under section 14	15. Every appeal under section 14 shall be made by petitio in writing, and may be delivered to the Forest Settlemer Officer who shall forward it without delay to
	the appellate authority.
	16. When the following events have occurred namely:-
	(a) the period fixed under section 6 for preferring claim has elapsed; and all claims (if any) made within such perio have been disposed of by the Forest Settlement Officer; and
	(b) if such claims have been made, the period fixed b sections 10 and 14 for appealing from the orders passed o such claims has elapsed, and all appeals (if any) presente within such period have been disposed of by the appellat authority and;
	(c) all proceedings prescribed by section 10 have bee taken and all lands (if any) to be included in the propose forest which the Forest Settlement Officer has under sectio 10 elected to acquire under the Land Acquisition Act, 187(have become vested in the Government under section 16 c that Act;
	The [1]Government may publish a [2]notification in the [3]Offici Gazette specifying the limits of the forest which it i intended to reserve and declaring the same to be reserve from a date to be fixed by such notification

	The Forest Settlement Officer shall, before the date so fixe publish such notification in the manner prescribed for th proclamation under section 6. From the date so fixed, suc forest shall be deemed to be reserved forest.
Extinction of rights not claimed	17. Right in respect of which no claim has been preferre under section 6 shall thereupon be extinguished, unless before the publication of such
	notification, the person claiming them has satisfied th Forest Settlement Officer that he had sufficient cause for no preferring such claim within the period fixed under section 6 in which case the Forest Settlement Officer shall proceed t dispose of the claim in the manner herein before provided.
Power of the Government to redefine the limits of reserved forests in certain cases.	17-A(1) While the description of the limits any reserve forest notified under section 16 is defective or is not clear i reference to existing facts, the [2]Government may, b [3]notification in the [4]Official Gazette declare their intention t redefine the limits of such reserved forests so as to remov the defect or to make the description clear in reference t existing facts. Such notification shall specify as nearly a possible the corrections which it is proposed to effect to th limits of the reserved forest.
	(2) On the issue of a notification under sub-section (1), th District Forest Officer shall publish in the official Gazette o the district concerned and in such other manner as may b prescribed by rules made in that behalf a notice
	(a) specifying the corrections proposed by the notification under sub-section (1); and
	(b) stating that any objections which may be made in perso or in writing to the District Forest Officer, within a period o 30 days from the date of publication of the notice, will b considered by him.

	(3) After the expiry of the period referred to in clause (b) o sub-section (2) and after considering the objections, if any received by him, the District Forest Officer shall submit t the Government the record of
	the proceedings held by him together with a report thereon.
	(4) The 1Government may, after considering the report of the District Forest Officer, by notification in the 2Official Gazette redefine the limits of the reserved forest, as propose by the notification under sub-section (1), with such modifications as they think fit or without any modifications.
	(5) Save as provided in this section, it shall not be necessar to follow the procedure laid down in section 4 to 16 befor issuing a notification under sub-section (4).
No right acquired over reserved forest except as here provided	18. No right of any description shall be acquired in or ove a reserved forest, except under a grant or contract in writin made by or on behalf of the Government, or by or on behal of some person in whom such right, or the power to creat such right, was vested when the notification under section 1 was published or by succession from such persons:
	Provided that no patta shall without previous sanction of th 3Board of Revenue be granted on behalf of Government fo any land included within a reserved forest, and every patt granted without such sanction shall be null and void.
Rights continued under section 12 not to be alienated without sanction	19. Notwithstanding anything herein contained no right continued under section 12 shall be alienated by

	way of grant, sale, lease, mortage or otherwise without th sanction of the Government; Provided that, when any suc right is continued for the beneficial enjoyment of any land c buildings, it may be sold or otherwise alienated with suc land or buildings without such sanction. Any alienation c such right in contravention of this section shall be null an void.
	No forest produce obtained in exercise of any right continue under section 12 shall be sold or bartered except to the exten defined by the order recorded under sections 11 and 12.
	Any person selling or bartering any forest produce i contravention of this section shall be punished with fin which may extent to two hundred rupees.
Power to stop ways and water course in reserved forest	20. The District Forest Officer may from time to time, with the previous sanction of the Government, stop any public or private way or water-course in a reserved forest: Provided that a reasonably convenient substitute for the way or water-course so stopped already exists, or has been provided or constructed in lieu thereof.
Penalties for trespass or damage in reserved forests and acts prohibited in such forests	21. Any person who (a) makes any fresh clearing prohibited by section 7 ; c (b) sets fire to a reserved forest, or kindles, or leaves burning, any fire in such manner as to
	endanger the same; or who, in a reserved forest,-
	(c) kindles, keeps or carries any fire except at suc season and in such manner as the District Forest Officer ma from time to time notify:
	(d) trespasses or pastures cattle, or permits cattle to trespass;

	(e) fells, girdles, marks, lops, tops, uproots or burns an tree, or strips off the bark or leaves from, or otherwis damages, the same.
	(f) quarries stone, burns lime or charcoal, or collects subject to any manufacturing process, or removes any fores produce;
	(g) clears, cultivates or breaks up any land for cultivatio or any other purpose; or
	(h) In contravention of any rules made by the [1]Government hunts, shoots, fishes, poisons water or sets traps or snares;
	(i) Damages, alters or removes any wall, ditch, embankment, fence hedge or railing;
	shall, in addition to such compensation for damage done t the forest as the convicting court may direct to be paid, b punished:-
	[2](1) in any case where any of the acts aforesaid relates to an scheduled timber, with imprisonment for a term which ma extend to five years and with fine which may extend t twenty-thousand rupees;
	Provided that,
	(a) for a first offence, the term of such imprisonmen shall not be less than two years and such fine shall not be les than Seven thousand and Five Hundred rupees:
	(b) for a second or subsequent offence the term of suc imprisonment shall not be less than three years and such fin shall not be less than fifteen thousand rupees;
	(2) in any other case, with imprisonment for a term whic may extent to six months, or with fine which may extend t five hundred rupees, or with both"

Acts exempted from prohibition contained in this section	Nothing in this section shall be deemed to prohibit
	(a) any act done in accordance with any rule made by th Government or with the permission in writing of the Distric Forest Officer, or of an officer authorized by him to gran such permission; or
	(b) the exercise of any right continued under section 1 or created by grant or contract in the manner described i section 18:
	Provided that this section shall not be held to interfere wit such working of the forest as may be ordered by the Distric Forest Officer.
Suspension of right in reserved forest	22. Whenever fire is caused willfully or negligently in reserved forest, the Government may (notwithstanding that penalty has been inflicted under section 21) direct that i such forest or any portion thereof the exercise of all rights o pasture or to forest-produce shall be suspended for suc period as it thinks fit.
Persons bound to assist forest officer and police officer	23. Every person who exercises any right in a reserve forest or who is permitted to take any forest produce from, o to cut and remove timber or to pasture cattle in such forests and
	every village officer or person in any village contiguous to such forest who is employed by the Government;
	shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Station-House-Officer any information he may possess respecting the occurrence of a fire in or near such forest or the commission of or intention t commit, any forest offence; and shall assist any Forest Officer or Police Officer demanding his aid-
	(a) in extinguishing any fire occurring in such forest;

	(b) in preventing any fire which may occur in the vicinit of such forest from spreading to such forest;
	(c) in preventing the commission in such forest of any forest offence; and
	(d) when there is reason to believe that any such offenc has been committed in such forest, in discovering an arresting the offender.
Power to declare Forest no longer reserve	such notification, any forest or any portion thereof
	reserved under this Act shall cease to be reserved.
	From the date so fixed such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.
Forest reserved previous to the passing of this Act:	25. The "Government may, by notification[4] in the [3](Officia Gazette) declare any forest which has been reserved by orde of the Government previous to the day on which this Ac comes into force to be a reserved forest under this Act:
	Provided that if the rights of the Government or of privat persons to or over any land or forest produce in such fores have not been inquired into, settled and recorded in manne which the Government thinks sufficient, the same shall b inquired into settled and recorded in the manner provided b this Act for reserved forest, before the date on which th notification declaring the forest to be reserved takes effect.

	All questions decided, orders issued and records prepared i connection with the reservation of such forest shall b deemed to have been decided, issued and prepare hereunder, and the provisions of this Act relating to reserve forest. shall apply to such forests.

CHAPTER – III

PROTECTION OF LAND AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN RESERVED FORESTS	
Power to make rules	26. Subject to all rights now legally vested in individuals and communities, th Government may for any district or portion of a district make rules to regulate the use or th pasturage or of the natural produce of land at the disposal of Government and not include in a reserved forest. Such rules may with respect to such land
	(a) regulate or prohibit the clearing or breaking up of land for cultivation or other purpose
	(b) regulate or prohibit the kindling of fine and prescribe the precautions to be taken to prevent the spreading of fires;
	(c) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber and the collection and removal of natural produce;
	(d) regulate or prohibit the cutting, sawing, conservation and removal of trees and timber and the collection and removal of natural produce;
	(e) regulate or prohibit the cutting of grass and pasturing or cattle, and regulate the payments (if any) to be made for such cutting or pasturing;
	(f) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares;
	(g) regulate the sale or free grant of timber or other natural produce and
	(h) prescribe the fees, royalties or other payments for such timber or other
	natural produce, and the manner in which such fees, royalties or other payments shall be levied.

	Provided that the 1(Government) may exempt any person or class of persons from the operation of all or any of such rules.
Power to close land against pasture	27. Whenever fire is caused willfully or negligently in any land to which all or any of th rules made under section 26 have been extended, the Government may, notwithstandin that a penalty has been inflicted under that section, direct that such land be closed agains pasture for such period as it thinks fit:
Penalties	28. Whoever pastures cattle or permits cattle to trespass in land closed under section 2 shall be punished with imprisonment for a term which may extend to one month, or wit fine which may extend to two hundred rupees, or with both.
Penalties for breach of rules made under section 26.	228-A. Whoever infringes any rules made under section 26 shall be punished-
	(1) in any case where such infringement relates to any scheduled timber, wit imprisonment for a term which may extend to five years and with fine which may extend t twenty thousand rupees;
	Provided that-
	(a) for a first offence, the term of such imprisonment shall not be less than tw years and such fine shall not be less than Seven thousand and Five hundre rupees;
	(b) for second or subsequent offence, the term of such imprison -ment shall not b less than three years and such fine shall not be less than fifteen thousand rupees.
	2. In any other case, with imprisonment for a term which may extend to one month, or wit fine which may extend to one month, or with fine which may extend to two hundred rupee or with both.

CHAPTER – IV

OF THE CONTROLOVERFORESTSAND LANDS NOT AT THE DISPOSAL OF GOVERNMENT OR IN WHICH GOVERNMENT HAS A LIMITED INTEREST

On certain 29. The [1]Government may from time to time by notification in the [2]Official **lands, the** Gazette and in the Official Gazettes of the district affected thereby regulate or **breaking up** prohibit in any forest wasteland not at the disposal of Government

or clearing for

(a) the breaking up or clearing of land for cultivation;

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(b) the pasturing of cattle;

etc may be

(c) the firing or clearing of the vegetation; when such regulation prohibition appears to be necessary for any of the following purposes:-

First - For protection against storms, winds, rolling stones, floods and avalanches;
Second - For the preservation of the soil on the ridges and slopes, and in the valleys hilly tracts, the prevention of landslips and of the formation of ravines and torrents and protection of land against erosion, or the deposit thereon of sand, stones or gravel;

Fourth - For the protection of roads, bridges, railways and other lines of
communication;

Fifth - For the preservation of the public health and may alter or cancel such notification;

The Government may, for any such purpose, construct at their own expense, in or upon any such forest or land , such works as they think fit:

Provided that no such notification shall be made or work begun until after the issue of a notice to the owner of such forest or land calling upon him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, and until his objections (if any) and any evidence he may produce in support of the same have been heard by an officer duly appointed in that behalf, and have been considered by the Government.

In case of refusal by owner to lands on lease or acquire them.

30. Whenever the owner of such forest or land may decline to comply with the regulations or directions contained in the said notification, it shall be incumbent upon the Government, if they resolve to assume control of the said forest or land, to take the said forest or land, or so much of it as they may see fit, on lease from the owner for such term as they may deem it necessary to retain the same under control, and the owner shall be bound either to conclude such lease with the Government or to require that such forest or land shall be acquired for public purposes, and in the latter event the Government shall acquire such forests or land accordingly. If such lease is agreed upon, the amount of annual rent to the reserved, and all other questions arising between the owner or persons claiming to be owners and the Government shall in case of dispute, be determined in accordance, so far as may be, with the provisions of the Land Acquisition Act, 1870.

Acquisition of forest or land under the Land Acquisition Act

31. In any case under this Chapter in which the Government consider that, in lieu of taking the forest or land under its control, the same should be acquired for public purposes, the Government may proceed to acquire it in the manner prescribed by the Land Acquisition Act, 1870.

Protection of forest at request of owners

32. The owner of any land, or, if there be more than one owner thereof, the owners of shares therein, whether divided or not, amounting in the aggregate to at least two-thirds thereof, may, with a view to the formation or conservation of forests thereon represent in writing to the Collector their desire-

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

(b) that such land be managed subject to the control of the Collector by a person appointed by themselves and approved by the Collector; or

(c) that all or any of the provisions of this Act or rules made thereunder be applied to such land.

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

Any such notification may be altered or cancelled by a like notification.

Management of forests, the joint property of Government and other persons

33. If the Government and any person or persons are jointly interested in a y forest or waste-land, or in the whole or any part of the produce thereof, the 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, wasteland or produce by the persons so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

When the Government undertakes, under clause (a) of this section, the management of any forest, waste-land or produce, it may, by notification in the [1]Official Gazette and the Official Gazette of the district., declare that any of the provisions contained in Chapters II and III of this Act shall apply to such forest, wasteland or produce, and there upon such provisions shall apply accordingly.

Persons employed to carry out the	34.All persons employed under sections 30, 32 and 33 to carry out the provisions of this Act shall be deemed to be Forest Officers within the meaning of this Act.
Act to be deemed Forest Officer	2The Government shall also have power to appoint any person to discharge any function of a Forest Officer under any of the provisions of this Act which have been extended to any land or to any forest or waste land or produce thereof by a notification under section 32 or section 33 or under any rule made in pursuance of any provision so extended.

CHAPTER – V

CONTROL OF TIMBER IN TRANSIT

Power to make rules to regulate transit of timber	35. The 1Government may make rules to regulate the transit of all timber or of certain classes of timber within local limits as may appear to be necessary. Such rules may (among other matters)-
	(a) prescribe the routes by which alone timber may be imported into and exported from the State of Tamil Nadu ;
	(b) prohibit the import and export or moving within defined local limits of timber without a pass from the landholder from whose lands it was brought, or from an officer duly authorized to issue the same or otherwise than in
	accordance with the conditions of such pass;
	(c) prescribe the form of such passes and provide for their issue, product on and return;
	(d) provide for the stoppage, reporting, examination and marking of timber in transit within defined local limits or at stations established as hereinafter provided;
	(e) establish, or authorize the Collector to establish stations to which such timber shall be taken by those in charge of it for examination or marking; and the conditions under which such timber shall be brought to, stored at, and removed from such station;
	(f) provide for the management and control of such stations and for regulating the appointment and duties of persons employed thereat;
	(g) authorize the transport of timber, the property of Government across any land, and provide for the payment of compensation for any damage done by the transport of such timber:

	(h) prohibit the closing up or obstruction 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 and leaves into any such river, or any act which may cause such river to be closed or obstructed;
	(i) provide for the prevention and removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber, causing such obstruction;
	(j) provide for the protection of bridges, locks or other public works, by regulating the flouring of timber and storing of timber on river banks and by authorizing the seizure of timber floated or stored in contravention of such rules or by which any damage to such works may have been caused, and the detention and disposal of such timber until compensation has been made for the
	damage done;
	(k) regulate the use of property-marks for timber and registration of such marks; declare the circumstances in which the registration of any property marks may be refused or cancelled; 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.
	(l) Provide for the maintenance of accounts in respect of any scheduled timber stored in private lands, depots, markets or factories, for industrial or commercial purposes.
Power of Central Government to movements of timber across frontiers	[1]35-A Notwithstanding anything in section 35, the Central Government may make rules to prescribe the route by which alone timber may be imported and exported across any customs frontier as defined by the Central Government and any rule made under section 35 shall have effect subject to the rules made under this section.
	[3]35-B Whoever infringes any rules, in relation to any scheduled timber, made under section 35 (not being a rule made under clause (a) of that section) shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to twenty thousand rupees:
	Provided that,-
	(a) for a first offence, the term of such imprisonment shall not be less than three years and such fine shall not be less than fifteen thousand and five hundred rupees;

	(b) for a second or subsequent offence, the term of such imprisonment shall not be less than three years and such fine shall not be less than fifteen thousand rupees
Penalties for breach of rules made under	36. The 2Central or, as the case may be, State Government may, by such rules, prescribe as penalties for the infringement thereof imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.
sections 35 and 35A	
	Without prejudice to the provisions contained in the preceding paragraph, the State Government may, in relation to sandalwood, prescribe as penalties, for the infringement of rules made under section 35, not being a rule made under clause (a) of that section, imprisonment for a term which may extend to one year and fine which may extend to ten thousand rupees"
Possession of sandalwood under licence	36-A No person shall have in his possession any quantity of sandalwood in excess of five kilograms, unless under a licence granted by the District Forest Officer in that behalf or unless such sandalwood is affixed by a Forest Officer with such mark and in such manner as may be prescribed.:
	Provided that the District Forest Officer may refuse to grant or renew a licence to any applicant or licensee in respect of whom he is satisfied that by reason of his conviction of an offence under this Act or the rules thereunder, or the previous cancellation or suspension of any licence granted thereunder, or the contravention of any of the requirements as to the possession of sandalwood, or for any other reasons which may be prescribed, he is not a fit person to whom a licence should be granted or renewed under this section. Every such order shall be communicated to the applicant or the licensee, as the case may be, as soon as possible.
Form and	36-B The Government may make rules to provide for
Conditions of licence	(a) the form and manner in which applications for licences may be made;
	(b) the terms and conditions which may be included in any licnece and the fees for the grant of such licence;
	(c) the grant of duplicate licences and the renewal of licences and fees for the same.

Power to cancel or suspend licence	36-C The District Forest Officer may cancel or suspend any licence granted under this Chapter if it appears to him, after giving the holder there of an opportunity of being heard, that the licensee has contravened, or failed to comply with, any of the provisions of this Act or the rules made there under or
	any of the terms or conditions of the licence.
Appeal	36-D Any person aggrieved by the decision of the District Forest Officer refusing to gra renew or canceling or suspending a licence under this Chapter may, within such time as be prescribed, appeal to the Collector and the Collector may make such order in the cas he may think fit.
Penalties	36-E [2]Whoever, in contravention of this Chapter or of any rule made or licence granted thereunder, possesses sandalwood, shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to twenty thousand rupees:
	Provided that-,
	(a) for a first offence, the term of such imprisonment shall not be less than two years such fine shall not be less than seven thousand and five hundred rupees;
	(b) for a second or subsequent offence, the term of such imprison-ment shall not be than three years and such fine shall not be less than fifteen thousand rupees.

CHAPTER – VI

THE FOREST COURT

Appointment and constitution of the Forest Court

37. Where no Revenue Officer has been appointed to hear appeals under section 14, [1]Government shall, from time to time, as occasion may arise, appoint a Forest Court to hear such appeals. The court shall consist of three members, of whom.

One shall be the Judge of the Court of any district in which any portion of the land, the rights in or over which are in dispute, is situated, or the officer presiding in the principal Civil Court of Original Jurisdiction of such district;

Another shall be Collector of any such district or an officer of the Revenue Department of not less than 12 years standing;

And the third member shall be a person specially selected by the [2]Government, not holding an office of profit in the service of the Government.

The Judge appointed to be the President

38. The Judge appointed as a member as aforesaid shall be the President of the said Court, and shall make all such orders in the case as may be necessary prior to the hearing of the appeal.

Hearing of appeals

39. For the hearing of appeals, the Forest Court shall fix a day and a convenient place in the neighborhood of the land regarding which, or regarding rights over which, a dispute exists and shall give notice thereof to the parties.

All cases before the Forest Court shall be heard and disposed of, so far as may be, in accordance with the provisions of the Code of Civil Procedure;

Provided that if, on the hearing of any such case, any question of law or of usage having the force of law, or the construction of a document affecting the merits of the case, shall arise on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case, and submit, it with its own opinion for the opinion of the High Court.

And it shall be the duty of the Forest Court to make such reference to the High Court if the questions involve any principle of general importance or affect the rights of a class.

40. At the conclusion of the inquiry, and after receipt of the order of the High Court (which shall be binding upon the Forest Court) upon the reference (if any) prescribed by the preceding section, the Forest Court shall proceed to pass such order in the

case as it may consider just and proper; and the order passed by the said Court or by the majority of the members of the said Court shall be final.

CHAPTER – VI-A

OF THE COLLECTION OF DRFT AND STRANDED TIMBER

Certain kinds of timber to be deemed property of Government until thereto proved, and may be collected accordingly	40-A (1) All timber found adrift, beached, stranded or sunk, all timber bearing marks which have not been registered under the rules made under section 35 or on which the marks have been obliterated, altered or defaced by fire or otherwise, and in such areas as the Government may direct, all unmarked timber shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter. (2) Such timber may be collected by any Forest Officer or other p entitled to collect the same by virtue of any rule made under section and may be brought to such station as the Forest Officer may from ti time notify as a station for the reception of drift timber.
	(3) The Government may, by notification in the Official Gazette, exemp class of timber from the provisions of this section and may, in like m withdraw such exemption.

Notice to claimants of timber collected under section 40-A	40-B Public notice shall, from time to time, be given by the Forest Officer **ti** of timber collected under section 40-A. A copy of such notice shall also be **se** published in the Official Gazette and in the Official Gazette of the district. Such notice shall contain a description of the timber, and shall require any p claiming the same to present to such officer, within a period not less tha months from the date of such notice, a written statement of such claim.
Procedure on claim preferred to such timber	40-C (1) When any such statement is presented as aforesaid, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.
	(2) If such timber is claimed by more than one person, the Forest Office either deliver the same to any such person whom he deems entitled thereto o refer the claimants to the Civil Court , and retain the timber pending receipt order from any such court for its disposal.
	(3) Any person whose claim has been rejected under this section may, withi months from the date of such rejection, institute a suit to recover possession timber claimed by him, but no person shall recover any compensation or against the Government, or against any Forest Officer, on account of such rej or the detention or removal of any timber, or the delivery thereof to any person under this section.
	(4) No such timber shall be subject to process of any Civil, Criminal or Re Court until it has been delivered or a suit has been brought, as provided i section.
Disposal of unclaimed	40-D. If no such statement is presented aforesaid, or if the claimant omits **tir** to prefer his claims in the manner and within the period prescribed by the notice, issued under section 40-B, or on such claim having been so pref by him and having been rejected, omits to institute a suit to recover possession of such timber within t further period specified in section 40-C, the ownership of such timber shall vest in the Government, when such timber has been delivered to another person under section 40-C, in such other person free fro encumbrances not created by him.
Payments to be made by claimant before timber is delivered to him.	40 E 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 40-F

Power to make rules&prescribe penalties	40-F (1) The Government may, from time to time, make rules to regulate the following matters, namely
	(a) the salving collection and disposal of all timber mentioned in section 40-
	(b) the use and registration of boats used in salving and coll
	timber;
	(c) the mounts to be paid for saving, collecting, moving, storing and disposi such timber;
	(d) the use and registration of hammers and other instruments to be used for marking such timber
	(2) The Government may by such rules prescribe, as penalties fo infringement thereof, imprisonment for a term which may extend to six mon fine which may extend to five hundred rupees or both.

CHAPTER – VI - B

OF ROYALTIES

Royalties	40-G (1) Trees of the following species that is to say, teak, black wood, ebony and sandalwood and also ivory and teeth of elephants, either grown or found on Governmen or private property, are royalties and no trade shall be carried on in them unless they have been duly obtained from the Government.
	(2) The trees mentioned in sub-section (1) shall not be felled by any person without the w permission of the Chief Conservator of Forests or such other officer as may be authoriz him in writing, but the owner of any property on which a teak, black wood, ebo sandalwood tree is standing may after obtaining the written permission of the Chie Conse of Forests or other officer authorized by him as aforesaid, and on such terms as the Gover may determine fell any such tree fro his private use, and when any such tree is removed such property on account of the Government, the owner shall be entitled to a pa (hereinafter referred to in this Chapter as kudivila) at rates which the Government may time to time determine.
	Exception :- This section shall not apply to trees in places where royalty in trees has abolished by Proclamations (Travancore), dated the 11th January 1936 and the 25th Augus)
Notice of proposal to cut and remove royalty trees	40-H When it is proposed to cut and remove any royalty trees from private lands by Government agency, notice in the prescribed form shall be given to the registered holder of the land from which the trees are proposed to be cut and removed. Such notice may be sent by registered post to the registered holder of the land and shall also be pasted in the village and taluk offices.

Joint mahazar to be prepared before removal of the trees	40-I Before any such trees are removed, a joint mahazar shall be prepared in the prescribed form by a Forest Officer not below the rank of a Forester in conjunction with the local village officer and whenever possible in the presence of the registered holder of the land or his authorized agent who shall also attest the mahazar. Notice as to when the trees re proposed to be removed and when the joint mahazar is proposed to be prepared shall be given to the registered holder of the land. Such notice may be sent by registered post.
Notice calling claims for kudivila	40-J After the preparation of the Joint mahazar referred to in section 40-I, another notice in the prescribed form shall be published by pasting in the village and taluk offices and on some conspicuous part of the land from which the trees re cut, calling upon all claimants to prefer their claims to kudivila within ninety days from the date of publication of such notice to the Forest officer empowered for the purpose and to produce all documents and other evidence in support of their claims.
Inquiry by Forest Officer into claims for kudivila	40-K (1) When a claim has been preferred as required by section 40-J the Forest Officer empowered in that behalf shall inquire into such claims recording all statements and the evidence in the manner prescribed by the Code of Civil Procedure, 1908 (Central Act V of 1908) in appeal able cases.
	(2) When no such claim has been preferred as required in section 40-J the inquiry shall be conducted ex-parte.
	(3) For the purpose of such inquiry the Forest Officer aforesaid may exercise all the powe Civil Court in the trial of suits.
Award to be made after inquiry	40-L (1) on the completion of the inquiry by the Forest Officer under section 40-K he shall make an award under his hand of-
	(a) the kudivila which in his opinion shall be allowed, and
	(b) the appointment of the kudivila so allowed among all the persons interested in
	the land of whose claims there is evidence whether they have appeared before him or not.
	(2) The award shall be filed in the office of the Forest Officer and shall be final exc hereinafter provided. Notice of the award shall forthwith be given to all the parties wh interested.

Reference to Court	40-M (1) Any party to the inquiry who is aggrieved by the award may, by written application to the Forest Officer making such award, require tat the matter be referred to th District Court, within whose jurisdiction the land is situated, whether his objection be to the amount of the kudivila, the person to whom it is payable, or the appointment of the kudivila, and the Forest Officer shall the application to the District Court within sixty days of the date of the application.
	(2) The application shall state the grounds on which objection to the award is taken and be made within sixty days of the date of the receipt of the notice of the award.
	(3) If on account of the complicated nature of the claim or for other reason, the Forest Off of opinion that a reference has to be made to the District Court he may himself refer the r to be decided by the District Court within whose jurisdiction the land is situated.
Forest statement to Court	40-N (1) in making the reference, the Forest Officer shall state, for the information of **Offi** the District Court, in writing under his hand-
	(a) the extent and situation of the land, with particulars of the trees cut and removed;
	(b) the names of the persons whom he has reason to think are interested in such land;
	(c) the amount of kudivila; and
	(d) if the objection be as to the amount of kudivila the grounds on which it was determ
	2) To the said statement shall be attached a schedule giving the particulars of the notice se upon, and of the statements in writing made or delivered by, the parties
	interested and the evidence adduced by them.
Service of notice	40-O The District Court shall thereupon cause a notice specifying the day on which the court shall proceed to determine the objection and directing their appearance before the Court on that day, to be served on the following, namely:-
	(a) the applicant,
	(b) all persons interested in the inquiry, and
	(c) the Government
Scope of the inquiry	40-P The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected and every such proceeding shall be taken in open Court.

Form of award by Court	40-Q Every award made by the Court shall be in writing signed by the Judge, and shall specify the amount of the kudivila awarded and the respective persons to whom it shall be payable. Against the award made by the District Court, an appeal shall lie to the High Court.
Tendering payment	40-R On making an award under section 40-L, the Forest Officer shall tender payment of the kudivila awarded by him to the persons entitled thereto according to the award, and shall pay it to them, unless they refuse to receive it, or there is any dispute as to the title to receive the kudivila or an to appointment thereof.
Forest offence to carry out the Court's awards as his own	40-S If the award made by the Forest Officer is reversed or modified either by the District Court or by the High Court, the Forest Officer shall proceed to deal with it in like manner as if it had been in the first instance made by himself.
Bar of claims to kudivila	40-T No claims to kudivila preferred after three years from the date of publication of the notice mentioned in section 40-J shall be admitted by the Forest Officer nor shall any such claims be entertained in court of law except for references under section 40-M.
Rules to be made by Government	40-U The Government may make rules regulating or prohibiting the felling, lopping cutting, maiming, or otherwise maltreating of any tree which is a royalty or any other tree standing on land temporarily or permanently assigned, the right of the
	Government over which has been expressly reserved in the deed of grant or assignment of land.
Punishment	40-V Whoever-
for felling etc, trees	(a) fells, girdles, lops, marks, mutilates, or otherwise damages any tree which is a royalty, in contravention of the rules made by the Government, or
which are royalties	(b) fells such trees in places other than those for which he has obtained permission from a Forest Officer or in quantities larger than or different in kind from, those so permitted, or
	(c) is found in possession o such trees, or of any forest produce which is a royalty w having honestly obtained it, shall, on conviction by a Magistrate, be liab imprisonment which may extend to six months, or to fine which may extend t hundred rupees, or to both.
	(2) In cases where the offence is committed after sunset and before sunrise, or after m preparation for resistance to the execution of any law or any legal process, or where the off has been previously convicted of a like offence, the convicting Magistrate may inflict doub penalty prescribed for such offence.

Other provisions not affected	40-W The provisions of this Chapter shall be in addition to, and not in derogation of, the other provisions of this Act.
Extension of Tami Nadu Act V of 1882 and certain other Act in transferred territory repeals and	(1) The Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) as in force immediately before the date of the commencement of this Act and as amended by this Act the Tamil Nadu Wild Elephants Preservation Act, 1873 (Tamil Nadu Act I of 1873), the Tamil Nadu Forest (Validation) Act, 1882 (Central Act XXI of 1882) and the Wild Birds and Animals Protection Act, 1912 (Central Act VIII of 1912), as in force immediately before the date of the commencement of this Act (hereinafter in this section referred to as the said law) are hereby extended to, and shall be in force in the transferred territory.
	(2) The Game and Fish Protection Act (Travancore Act XII of 1089), the Travancore-Cochin Forest Act, 1951 (Travancrore-Cochin Act III of 1952) and any other law correspo to the said law, in force in the transferred territory immediately before the date c commencement of this Act, shall stand repealed on the date of such commencement.
	(3) The repeal by sub-section (2) of the Game and Fish Protection Act (Travancore Act X 1089), the Travancore-Cochin Forest Act, 1951 (Travancrore-Cochin Act III of 1952) an other law corresponding to the said law, in force in the transferred territory immediately b the date of the commencement of this Act shall not affect-
	(a) the previous operation of any such Act or law or anything duly done or suff thereunder;
	(b) any right, privilege, obligation or liability acquired, accrued or incurred under such Act or law; or
	(c) any penalty, forfeiture or punishment incurred in respect of any offences comm against any such Act or law; 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 enf and any such penalty, forfeiture or punishment may be imposed as if this Act had not passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, incl any appointment made, notification, order, instruction or direction issued, or any rule or framed under any such Act or law shall be deemed to have been done or taken under th law corresponding thereto and shall continue to have effect accordingly, unless and superseded by anything done or any action taken under the said law.

(5) For the purpose of facilitating the application of the said law in the transferred ter any court or other authority may construe such law with such alterations not affectin substance as may be necessary or proper to adapt it to the matter before the court or authority.

(6) Any reference in the said law to a law which is not in force in the transferred territory in relation to that territory, be construed as a reference to the

corresponding law, if any, in force in that territory.

(7) Any reference in any law which continues to be in force in the transferred territory aft date of commencement of this Act, to any Act or law, repealed by sub-section (2) sh relation to that territory, be construed as a reference to the said law corresponding thereto.

(8) (a) If any difficulty arises in giving effect to the provisions of this Act or of the said l extended to the transferred territory by this Act, the State Government, as occasion may re may, by order, do anything which appears to them necessary for the purpose of removin difficulty.

(b) All orders made under clause (a) shall be published in the Official Gazette and, unles are expressed to come into force on a particular day, shall come into force on the day on they are so published.

(c) Every order made under clause (a) shall, as soon as possible, after it is made, be plac the table of both. Houses of the Legislature, and if, before the expiry of the session in whic so placed or the next session, both Houses agree in making any modification in any such or both Houses agree that the order should not be made, the order shall thereafter have only in such modified form or be of no effect, as the case may be, so however, that any modification or annulment shall be without prejudice to the validity of anything previously under that order.

Explanation - For the purpose of this section, the expression "transferred territory" shall m the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

CHAPTER – VII

PENALTIES AND PROCEDURE

Seizure of property liable to confiscation

41 (1) When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, ropes, chains, beats, vehicles and cattle used in committing any such offence, may be seized by a Forest Officer or Police Officer.

(2) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle h been or is being used for the transport of any scheduled timber in

respect of which there is reason to believe that a forest offence has been or is committed, require the driver or other person in charge of such vehicle to stop the vehicl cause it remain stationery as long as may reasonably be necessary for examination c contents in the vehicle and inspection of all records relating to the scheduled timber a possession of such driver or other person in charge of the vehicle or any other person i vehicle.

Make a report of such seizure

(3) Every officer seizing any property under this section shall place on such property or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall as soon as may be,

(a) where the offence on account of which the seizure has been made is in respect c scheduled timber which is the property of the Government or in respect of whicl Government have nay interest. To the concerned authorized officer under section 49 A., a

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

Provided that, when the timber or forest produce with respect to which such offen believed to have been committed is the property of the Central or State Government an offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a repo the circumstances to his official superior.

Procedure thereupon

42(1) Upon the receipt of any such report the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest produce, tools etc, which liable to

43. When any person is convicted of a forest offence, all timber or forest produce in respect of which such offence has been committed and all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, shall subject to section 49-G be confiscated to the Government.

Disposal, on conclusion of

44. When the trail of any forest offence is concluded, any timber or forest produce in respect of which such offence has been committed shall, if it is the property of the

trial of forest offence produce in respect of which it was committed	Central or State Government or has been confiscated, be taken possession of by or under the authority of the District Forest Officer, and in any other case may subject to section 49-G, be disposed of in such manner as the Court may order.
Procedure when offender is not known or cannot be found	45. When the offender is not known or cannot be found the Magistrate if he is of the opinion that an offence has been committed, subject to section 49 (G) may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by or under the authority of the District Forest Officer, or to be made over to any person whom the Magistrate considers to be entitled to the same:
	Provided that no such order shall be made until the expiration of one month from the da seizing such property, or without hearing the person (if any) claiming any right hereto the evidence (if any) which he may produce in support of the claim.
	The Magistrate shall cause a notice of any application under this section to be served any person whom he has reason to believe is interested in the property seized, or shall pu such notice in any way which he thinks fit.
Procedure in regard to perishable	46(1) Notwithstanding anything herein before contained- (a) the Magistrate may direct the sale of any property seized under Section 41 which is subject to speedy and natural decay; and
pro-perty seized under section-41	(b) if, in the opinion of the officer seizing such property, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale proceeds into the nearest Government treasury, and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures is may be necessary for the trial of the accused.
	(2) The Magistrate may deal with the proceeds of the sale of any property held under c (a) or clause (b) of sub-section (1) in the same manner, as he might have dealt wit property if it had not been sold.
Appeal from orders under section 43, 44 or 45	47. Any person claiming to be interested in property seized under section 41 may, within one month from the date of any order passed under section 43, 44 or 45 present an appeal there from which may be disposed of in the manner provided by section 419, Code of Criminal Procedure.

Property when to vest in the State

48. When an order for the confiscation of any property has been passed under section 44 or 45 and the period limited by section 47 for presenting an appeal from such order has elapsed no such appeal has been presented or when on such order has elapsed, and no such appeal has been presented when on such appeal being presented the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion as the case may be, shall vest in the State free from all encumbrances.

Saving of power to release property seized

49. Nothing hereinbefore contained shall be deemed to prevent the District Forest Officer subject to section 49-G from directing at any time the immediate release of any property seized under section 41 and the withdrawal of any charge made in respect of such property.

49-A Confiscation by Forest Officers in certain cases (1) Notwithstanding any contained in the foregoing provisions of this Chapter or in any other law for the time bei force, where a forest offence is believed to have been committed in respect of any sche timber which is the property of the Government, the officer seizing the property under section (1) of section 41 shall, without any unreasonable delay, produce it together wi tools, ropes, chains, boats, vehicles and cattle used in committing such offence, befo officer not below the rank of an Assistant Conservator of Forests authorized by Government in this behalf, by notification in the Tamil Nadu Government Ga (hereinafter referred to as the authorized officer).

(2) Where the authorized officer himself seizes under sub-section (1) of section -41 scheduled timber which is the property of the Government or where any such prope produced before the authorized officer under sub-section (1) and he is satisfied that a f offence has been committed in respect of such property, such authorized officer may, wh 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, books, vehicles and cattle used in committing such offence.

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

(b) Where any confiscated property is sold as aforesaid, the proceed thereof after dedu of the expenses of any such auction of other incidental expenses relating thereto shall, w the order of confiscation made under this section is set aside or annulled by an order u section 49-C or section 49-D, be paid to the owner thereof or to the person from whom i seized as may be specified in such order.

	49-B Issue of show cause notice before confiscation under section 49-A (1) No order confiscating any scheduled timber or tools, ropes, chains, boats, vel or cattle shall be made under section 49-A, except after notice in writing to the person whom it is seized informing him o fine grounds on which it is proposed to confiscate i considering his objections if any:
	Provided that no order confiscating a motor vehicle shall be made except after giving n in writing to the registered owner thereof, if in the opinion the authorized officer, practicable to do so and considering his objection, if any.
	(2) Without prejudice to the provisions of sub-section (1), no order confiscating any rope, chain, boat, vehicle or cattle shall be made under section 49-A if the owner of the rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorized officer t was used in carrying scheduled timber without the knowledge or connivance of the o himself, his agent, if any, and the person in charge of the tool, rope, chain but, vehic cattle and that each of them, had taken all reasonable and necessary precautions against use.
	(c) Revision - Any Forest Officer not below the rank of Conservator of Forests spec empowered by the Government in this behalf, by notification in the Tamil Nadu Govern Gazette may, of his own motion, call for and examine the records of the authorized offic respect of any order under section 49-A, make such inquiry or cause such inquiry to be and pass such orders as he deems fit :
	Provided that no revision proceeding shall be initiated by such officer under this se against any order passed under section 49-A, if the time for appeal against that order ha expired:
	Provided further that no order prejudicial to any person shall be passed under this se unless such person has been given an opportunity of making his representation.
	49-D Appeal - (1) Any person aggrieved by any order passed under section 49-A sectio C may, within thirty days from the date of communication area in which the order relates been seized and the Sessions Judge shall after given an opportunity of being heard t appellant and the authorized officer or the officer specially empowered under section 49- the case may be, pass such order as he may think fit, confirming, modifying or annullin order appealed against.
	(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any court of law.

	49-E Award of confiscation no ban for infliction of any punishment - The award o confiscation under section 49-A or section 49-C or section 49-D shall not preven infliction of any punishment to which the person affected thereby is liable under this Act
	49-F Property confiscated to vest with Government - when an order for confiscation o property has been passed under section 49-A or section 49-C or section 49-D and such has become final in respect of the whole or any portion of such property, such proper portion thereof, or if it has been sold under sub-section (d) of section 49-A, the sale pro thereof, as the case may be, shall vest in the Government free from all circumstances.
	49-G Bar of jurisdiction in certain cases - whenever any scheduled timber belong to the Government or any tool, rope, chain, boat, vehicle, or cattle, used for committing any off in respect of any scheduled timber, is seized under section (1) of section 41, notwithstand 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-
	(a) the authorized officer under section 49-A, or the Forest Officer specially
	empowered under section 49-C, or the sessions Judge hearing an appeal under section 49 shall have, and
	(b) any other officer, court, tribunal or authority shall not have, jurisdiction to make o with regard to the custody, possession, delivery, disposal or distribution of such property
Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary mark	50. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the India Penal Cod
	(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Offic er to indicate that such timbre or tree is the property of the Central or State Gov ernment or of some person, or that it may lawfully be cut or removed by some pe rson; o
	(b) unlawfully affixes to any timber or standing tree a mark used by Forest Officer; o
	(c) alters defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest Officer; o
	(d) alters, moves destroys or defaces any boundary mark of any forest or any land to whic any provisions of this Act apply
	shall be punished with imprisonment for a term which may extend to two years, or with f which may extend to one thousand rupees, or with both

Power to arrest witho warran

51. 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 fo offence punishable with imprisonment for one month or upwards if such person refuses to give his name a residence or gives a name or residence which there is reason to believe to be false, or if there is reaso believe he will abscond

Any person arrested under this section shall be informed as soon may be of the ground such arrest and shall be produced before the nearest Magistrate within a period of 24 hou such arrest excluding the time necessary for the journey from the place of arrest to the of the Magistrate; and no such person shall be detained in custody beyond the said pe without the authority of a Magistrate

Punishment for seizure wrongful arres

52. Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, or or who vexatiously and unnecessarily arrests any person shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupee

Power to prevent commission of offenc

53. Every Forest Officer and Police Officer shall prevent and may interfere for the purpose of preventing the commission of any forest offence

Operation of other laws not barre

54. 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

Power to compound offence

55 (1) Any Forest Officer specially empowered in this behalf may accept from any person reasonable suspected of having committed any forest offence other than an offence under section 50 or section 52 a sum of money by way of compensation for the offence which may have been committed; and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer

(2) on the payment of such sum of money or such value or both as the case may be to officer the accused person, if in custody, shall be discharged, the property seized sha released, and no further proceedings shall be taken against such person or property.

1(3) Nothing contained in sub-sections (1) and (2) shall apply to any offence in respect of

	(a) any sandalwood, where the weight of such sandalwood involved in such offence is m than one hundred kilograms; an
	(b) any scheduled timber (other than sandalwood) where the value of such scheduled timb involved in such offence is more than ten thousand years
Presumption that timber or forest produce belongs to the Central or State Governmen	(56) When in any proceedings taken under this Act or in consequence of anything done under this Act a question arises as to whether any forest produce is the property of the [2]Central or State Government such produce shall be presumed to be **produce** the prop of the [1]Central or State Government until the contrary is proved
Punishment for habi offenc	56-A[1] In respect of any offence relating to any scheduled timber, any timber who is found by the Magistrate to be habitual offender, such person shall be punished with imprisonment fo term which may extend to five years but which shall not be less than three years and with fine which may extend to twenty thousand rupees but which shall not be less than fifteen thousand rupees
	Explanation : For the purpose of this section, "habitual offender" means a person, who be or after the date of publication of the Tamil Nadu Forest (Amendment) Act, 1979 in Tamil Nadu
	Government Gazette has been sentenced to a substantive term of imprisonment (sentence not having been set aside in appeal or revision) for not less than three occasion any offence relating to any scheduled timber, each of the subsequent sentence having passed in respect of such offence relating to any scheduled timber committed after passing of the sentence on the previous occasions
	56-B The offence in respect of any scheduled timber shall be non-bail able and provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) with respe non-bail able offences shall apply to those offences
Certain offences to be non-bailabl	56-C Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any offence in respect of any scheduled timber shall be deemed to be a cognizable offence within the meaning of that Code
Offences under the Act to be cognizabl	56-D Whenever any person is accused of any offence under this Act in respect of any scheduled timber, it shall be presumed until the contrary is proved that such person has committed such offence

Presumption as to commission of offence in respect of scheduled timbe	56-E (1) The Government may, by notification, add any timber to or omit any timer **as to** fr the Schedule
Power to amend schedul	(2) All references made in this Act to the schedule shall be construed as references to the said schedule as for the time being amended in exercise of the powers conferred by this section

CHAPTER – VIII

CATTLE TRESPASS

Cattle Trespass Act, 1871 to apply	57. Cattle trespassing in a reserved forest, on lands on which the grazing of cattle has been prohibited by rules made under section 26 or which has been closed under section 27, shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle Trespass Act, 1871, and may be seized and impounded as such by a Forest Officer or Police Officer.
alter fines fixed by that Act.	fines fixed by the 12th section of the Act last aforesaid there shall be levied in all or any of the areas to which this Act applies for each head of cattle impounded under section 57 of this Act such fines as they think fir but not exceeding the following (that is to say):
	Rs.
	For each Elephant Rs. 19.00
	For each buffalo or camel Rs. 2.00
	For each horse mare gelding, pony, colt, filly,
	Mule, bull, bullock, cow, calf or heifer Re. 1.00
	For each ass, pig, ram, ewe, sheep,
	Lamb, goat or kid 50 Paise

CHAPTER – IX

FOREST OFFICERS

Government may invest	59. The 1Government may invest any Forest Officer by name, or as holding an office, with the following g powers (that is to say):
Forest Officers with certain power	(a) the power of a settlement-officer under the Tamilnadu Boundaries Act, No.XXVIII of 1860):
	(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(c) power to hold inquiries into forest offences, and in the course of such inquires to receive and recor issue search-warrants which may be executed in the manner provided by the Code of Criminal Procedure;

(d) power to accept compensation for forest offence under section 55 and may withdraw and powers so co

Any evidence recorded under clause (c) of this section shall be admissible in any subsequent trial before a alleged offender : Provided

That it has been taken in the presence of the accused person, and recorded in the manne provided by section 333, section 334 or section 335 of the Code of Criminal Procedure.

Forest deemed public servants — 60. All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code. **officers**

Indemnity for acts done in good faith — 61. No suit or criminal prosecution shall lie against any public servant for anything done or omitted in good faith under this Act.

62. Omitted.

CHAPTER – X

MISCELLANEOUS

Additional powers to made rules — 63. The Government may make rules consistent with this Act-

(a) to declare by what Forest Officer or class of Forest Officers the powers of duties conferred or imposed by or under this Act on a Forest Officer shall be exercised or performed;

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

(c) to regulate there wards to be paid to officers and informers from the proceeds of fines and confiscations under this Act, or form the public treasury;

(d) for the preservation reproduce on and disposal of trees and timber belonging to the Central or State Government but grown on lands belonging to or in the occupation of private persons

(e) generally to carry out the provisions of this Act.

Rules when to force of law	64. All rules made by the Government under this Act shall be published in the Official Gazette and in the Official Gazette of the districts affected thereby, and shall thereupon have the force of law. Such rules may be cancelled or varied by like notification.
Rules to be placed before the legislative	64-A Every rules made by the Government under this Act shall, as soon as possible after it is made, be placed on the table of both houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both houses agree in making any modification in any such rule of 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 amendment should be without prejudice to the validity of anything previously done under that rule.
Power of Government exercisable from time to time	All powers conferred by this Act on the Government may be exercised from time to time as occasion requires.
Government may delegate powers	65. It shall be lawful fro the Government to delegate any of the powers conferred by sections 19, 20,22, 27, 58 and 62 to the Board of Revenue or to such other controlling Revenue-authority as the Government may from time to time appoint.
Recovery of money due to Government	66. All money, other than fines, payable to the Government under this Act, or any rules made there under or account of timber or forest produce or of expense incurred in the execution of this Act in respect of timber or forest produce or under any contract relating to timber or forest produce including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation of under the terms of a notice relating to the sale or timber or forest produce by auction or by invitation of tenders, issued by or under the authority of District Forest Officer and all compensation awarded to Government under this Act, may, if not paid when due, be recovered, under the law for the time being in force, as if were in arrear of land revenue.
Lieu on forest produce for such money	67. When any such money is payable for, or in respect of any forest produce, the amount thereof shall be deemed to a first charge on such produce; and if such amount

	Be not paid when due, such produce may be taken possession of by or under the authority of the District Forest Officer, and may be retained until such amount has been paid, or such Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.
	The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto shall be forfeited to Government..
Land required under this Act to be deemed to be needed for public purpose under the Land Acquisition Act	68. Whenever it appears to the 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 the Land Acquisition Act, 1870, Section 4
Liability of person un-authorisedly occupying any land in reserved forest etc, to summary eviction.	68-A Any person unauthorizedly occupying any land in reserved forest or any land at the disposal of Government may be summarily evicted by an officer of Forest Department not below the rank o f Forest Ranger or an Officer of the Revenue Department not below the rank of Tahsildar having jurisdiction over the area in which such ladn is any crop or her product raised on scuh land, shall be liable to forfeiture and any building or other construction erected or anything deposited thereon shall also be liable to forfeiture. Forfeiture under this section, shall be adjudged by the officer referred to above and any property so forfeited, shall be disposed of in
	(a) such person has been given a notice in such manner may be prescribed; and
	(b) the representation, if any received in pursuance of such notice has been duly considered by such officer concerned.
	TIME SCHEDULE
	(See Section 2 and Section 56-E)

Scheduled Timber
(1) Blackwood;
(2) Read sanders (Redsanders included in G.O.Ms,No.945 F&F dated 31.8.87)
(3) Rosewood;
(4) Sandalwood; and
(5) Teakwood (G.O.344 & 345 E&F department dated 8.8.97