

ANDHRA PRADESH (TELANGANA AREA) FOREST ACT, 1355 F

Preamble - ANDHRA PRADESH (TELANGANA AREA) FOREST ACT, 1355 F

[1] THE ANDHRA PRADESH (TELANGANA AREA) FOREST ACT, 1355 F

[Act No. 02 of 1355 F]

[28th Aban, 1355 F]

PREAMBLE

WHEREAS it is expedient to consolidate, amend and codify the provisions relating to forest in [2] [the area to which this Act extends] the transit of forest produce and the duty leviable on timber and other forest produce; It is hereby enacted as follows:--

Chapter I - PRELIMINARY

Section 1 - Short title, commencement and extent

- (1) This Act may be called the [3] [the Andhra Pradesh (Telangana Area) Forest Act, 1355 F. (Act II 1355 F.)] and it shall come into force from the date of its publication in the [4] [Official Gazette] in [5] [the whole of the Telangana area of the State of Andhra Pradesh.]

Effect of Regulation LX of 1358 F., on this Act.

- [6] [1-A. With effect from the commencement of [7] [the Andhra Pradesh (Telangana Area) Board of Revenue Regulation, 1358 F., (Regulation LX of 1358 F.)] the provisions of this Act are subject to the provisions of the said Regulation].

- (2) The Government may, by notification in the [8] [Official Gazette] exempt any area from the operation of the whole or any portion of this Act and may, in like manner, cancel or vary such notification.

Section 2 - Definitions

In this Act, unless there be anything repugnant in the subject or context,--

- (1) "Forest Settlement Officer" means the officer appointed under section 4;

(2) "Forest Officer" ^[9] [means such officer] as may be appointed by the Government or by any officer empowered by the Government or by any officer empowered by the Government in this behalf for all or any of the purposes of this Act or for performing the duties of a Forest officer in accordance with the provisions of this Act or rules made thereunder.

(3) "tree" includes bamboo, stump, brushwood and rattan;

(4) "timber" includes trees which have been felled or have fallen and all wood whether cut up or fashioned or hollowed out or not;

(5) "forest-produce" includes the following things whether found in or brought from a forest or not:--

[10] [(a) timber, charcoal, rubber, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, mahua flower, mahua seeds, myrobalans, beedi leaves, rouse grass, rauwolfiaserpentina, and]

(b)? the following things when found in or brought from a forest:--

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

(ii) plants not being trees (including grass, creepers, reeds, and moss) and the produce and parts of such plants;

(iii) wild animals, skins, tusks, horns, bones, silk cocoons, honey, wax and other parts of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oil and product of mine and quarry.);

(6) "forest offence" means an offence punishable under this Act or the rules

made thereunder.

- (7) "cattle" includes elephant, camel, ox, buffalo, horse, pony, colt, filly, mule, ass, pig, ram, goat, kid and sheep; and
- (8) "river" includes stream, canal and other channels natural or artificial.

Chapter II - RESERVED FOREST

Section 3 - Power to declare reserved forest

The Government may declare the land in respect of which forest rights vest in the Government or the land the whole of any part of the forest-produce of which the Government is entitled, as reserved forest in the manner hereinafter provided.

Section 4 - Publication of notification

- (1) When it is decided to declare any land a reserved forest, the Government shall publish a notification in the ^[11] [Official Gazette]?
 - (a) stating that it is proposed to declare such land a reserved forest;
 - (b) recording as nearly as possible, the situation specifying limits of such land; and
 - (c) appointing an officer (hereinafter called "the Forest Settlement Officer") to enquire into and determine the existence, nature and extent of the rights alleged to exist in favour of any person in respect of the land or forest-produce comprised within such limits and to settle the rights under the provisions of this Chapter.

- (2) Nothing in this section shall prevent the Government from appointing, for the

purposes of this section, a Committee consisting of three or less than three officers of whom not more than one shall be an officer holding any office in the Forest Department to perform the duties of the Forest-Settlement Officer.

Section 5 - Bar of forest rights

After the publication of the notification under section 4, no fresh right shall accrue in respect of the land described in the notification except by regular succession or under a grant or contract in writing made by or on behalf of the Government or the person in whom such right had vested at the time when the notification was published; and no fresh clearing of forest in such land for cultivation or for other purposes shall be made against such rules as may be made by the Government in this behalf.

Section 6 - Notification by Forest Settlement Officer

When a notification is published under section 4, the Forest Settlement Officer shall cause to be published in Urdu and in the local vernacular in every town, village and at the headquarter of the taluqa in which any portion of the land described in the notification is situate, a proclamation--

- (a) specifying, as nearly as possible, the situation and limits of the land to be declared a reserved forest;
- (b) explaining the consequences which, provided in the following sections, will ensure on declaring such forest as a reserved forest; and
- (c) fixing a minimum period of four months from the date of the proclamation; and requiring every person having claim in respect of any right referred to in section 4 or section 5 to send to the Forest Settlement Officer within the said period, a written notice specifying the nature of the right claimed or to appear before him and state the nature of such right and if there be any claim of compensation in respect of such right, the amount, if any, and particulars thereof.

Section 7 - Inquiry by Forest Settlement Officer

The Forest Settlement Officer shall record the statements made under section 6, and shall at

some suitable place, inquire into the claims preferred under that section, and into the existence of the rights mentioned in section 4 or section 5 and not claimed under section 6 from Government records or the evidence of the person acquainted with the same.

Section 8 - Powers of Forest Settlement Officer

For the purposes of such inquiry, the Forest Settlement Officer shall have the following powers:-

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- (a) to enter, by himself, upon any land and survey, demarcate and make a map of the same or to authorise any officer for the said purposes;
- (b) to exercise the powers of a Civil Court in the trial of cases.

Section 9 - Extinction of rights

Rights in respect of which claim has not been preferred under section 6 and the existence of which has not been proved in inquiry under section 7, shall be extinguished, unless before the publication of the notification under section 19, the person claiming such rights satisfies the Forest Settlement Officer that there was sufficient cause for not preferring his claim within the period fixed under section 6.

Section 10 - Power to acquire land in respect of which right is claimed

- (1) If a claim is preferred in respect of any land on the basis of any right, other than a right-of-way, a right-of-pasture, or a right to forest-produce or a watercourse, the Forest Settlement Officer shall, by an order, admit or reject the claim in whole or in part; and where the claim is admitted or allowed in whole or in part, the Forest Settlement Officer shall?
 - (a) exclude such land from the limits of the proposed reserved forest, or
 - (b) come to a settlement with the owner of such land whereby such owner shall surrender his rights; or

- (c) proceed to acquire such land in the manner provided by the Land Acquisition Act.
- (2) For the purposes of acquiring such land?
 - (a) the Forest Settlement Officer, shall be deemed to be a [12] [Collector] within the meaning of the [13] Land Acquisition Act;
 - (b) the claimant shall be deemed to be a person interested and appearing in pursuance of a notice referred to in section [14]7 of the said Act;
 - (c) the provisions of the sections proceeding section [15]7 of the said Act shall be deemed to have been complied with; and the [16] [Collector] with the consent of the claimant, or as provided by the said Act, the competent court, with the consent of the parties, may award compensation in land or in money or partly in land and partly in money.

Section 11 - Order regarding claims to right of way, water-course, pasture or to forest-produce

- (1) When the claim is in respect of right to pasture or to forest produce, the Forest Settlement Officer shall, by an order, admit or reject the claim in whole or in part.
- (2) When a claim to any aforesaid right is admitted, if the right is for the beneficial enjoyment of any land or building, the Forest Settlement Officer shall record the designation and position of such land or building in respect of which such right is claimed. A copy of the order passed on every claim under this section shall be furnished to the claimant by the Forest Settlement Officer and another copy shall be given to the Forest Officer who attended the enquiry or if no Forest Officer has been appointed, the copy shall be forwarded to the Assistant Conservator of Forests.

Section 12 - Entries to be made by Forest Settlement Officer

When any order is passed under section 11, the Forest Settlement Officer, shall record, so far as may be practicable--

- (a) the name, father's name, caste, residence and occupation of the person claiming the right; and
- (b) the designation, survey-number, position and area of all such fields, and the designation and position of all buildings in respect of which the exercise of such right is claimed.

Section 13 - Entries after admission of claim

If the Forest Settlement Officer admits in whole or in part any claim under section 11, he shall record the extent to which the claim is admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which pasture is permitted, the quantity of timber and other forest-produce which the claimant is from time to time authorised to take, or receive, and such particulars as the circumstances may require.

The said officer shall also record whether the timber or other forest-produce obtained by the exercise of the right claimed may be sold or bartered or not.

Section 14 - Admitting exercise of rights

- (1) After making a record of the aforesaid matters the Forest Settlement Officer shall, and having regard to the maintenance of the forest in respect of which the claim is made, pass such orders as will ensure as far as possible, the continued exercise of the rights admitted.
- (2) For the said purpose the Forest Settlement Officer may.
 - (a) set out any other forest tract of sufficient extent and at a place suitable and record an order for the purposes of such claimants conferring the rights of pasture or to forest-produce to the extent admitted, upon the claimants;

- (b) make such alteration in the limits of the proposed reserved forest as to exclude forest-land of sufficient extent and at suitable place, for the purposes of the claimants;
- (c) record an order that rights of pasture or to forest-produce, to the extent admitted, within such portion of the proposed reserved forest and at such season as the Government may by rules prescribe in this behalf shall continue to the claimants.

Section 15 - Commutation of rights

If the Forest Settlement Officer finds it impossible having 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 admitted, the said officer may, subject to such rules as the Government may make in this behalf, commute such rights by payment to the claimants a sum of money in lieu thereof or by grant of land, or in such other manner as he thinks fit.

Section 16 - Appeal from order passed under section 10 or 11

Any person who has made a claim under this Act or any officer or any other person generally or specially empowered by the Government in this behalf, may prefer an appeal in writing from the order of the Forest Settlement Officer in the following manner:--

- (a) within 60 days from the decision made by the Forest Settlement Officer under section 10, to a Forest Court established under section 17 and if such Court has not been established, to the ^[17] [Board of Revenue]. The decision made by such Court or the ^[18] [Board of Revenue] in appeal shall be final. But a revision may be preferred to the Government in the Revenue Department against the order of the ^[19] [Board of Revenue]. If the Forest Court or the ^[20] [Board of Revenue] decides that the claim or such part thereof as has been rejected is admissible, the Forest Settlement Officer shall proceed to deal with it in the same manner as if it had been admitted by himself.
- (b) within 90 days from the date of the order passed by the Forest Settlement Officer under section 11, to the Forest Court established "under section 17 and if such Court has not been established, to the ^[21] [Board of Revenue].

The decision made by such Court or the [22] [Board of Revenue] in appeal shall be final. But a revision may be preferred to the Government in the Revenue Department against the order of [23] [Board of Revenue]. In disposing of appeals such Court or the [24] [Board of Revenue] shall proceed in accordance with the provisions of section 12.

Section 17 - Forest Court

- (1) The Government may, from time to time and as occasion arises, establish for the hearing of appeals a Forest Court which shall compose of the following officers:--
 - (a) the [25] [District Judge] in whose jurisdiction lie any portion of the land in respect of which the rights are in dispute;
 - (b) the [26] [Collector] of the district or the [27] [Collector] of one of the districts in whose jurisdiction lies any portion of the land in respect whereof the rights are in dispute;
 - (c) the Forest officer specially selected by the Government and who is not below the rank of a Deputy Conservator of Forests.
- (2) The [28] [District Judge] shall be the presiding Judge of the said Court and shall prior to the hearing of the appeal make such orders as may be necessary. The Judges of the Court shall be appointed by name of as ex-officio.
- (3) For the hearing of appeals the Forest Court shall fix a date and a convenient place adjacent to the land which is or the rights where in are in dispute and shall issue notice to the parties. In hearing and disposing of cases the Court shall, so far as may be, observe the provisions of the [29] [Code of Civil Procedure, 1908 (Central Act 5 of 1908)].

Provided that if, in the course of hearing of such cases, any point of law or any question regarding any usage having the force of law or the construction of a relevant

document, shall arise on which the Court entertains reasonable doubt, the Court shall either suomotu or on the application of any party, draw up a statement of the case and may make with its own opinion a reference to the High Court and if the issue in question has importance in principle either to the public or to a particular class of persons such Court shall make a reference to the High Court.

- (4) After the inquiry of the case and if a reference has been made, subject to the result thereof, the Forest Court shall pass such order regarding the case as it may consider proper and just; and the order passed by the Court or passed by the majority of the votes shall be final. In case of majority not being obtained, the order shall come into force in accordance with the opinion of the presiding Judge.

Section 18 - Appointment of prosecutor

The Government or any person who has made a claim under this Act may appoint any person to appear, plead or do any other act on its or his behalf before the Forest Settlement Officer, the appellate department or appellate officer in the cases or hearing of appeal under this Act.

Section 19 - Notification declaring reserved-forest

- (1) When the following events have occurred?
- (a) the period fixed under section 6 for preferring claims has elapsed and the claims made within such period have been disposed of by the Forest Settlement Officer;
 - (b) where claims have been made, the period fixed by section [30] [16] for making an appeal against the judgments has elapsed and the appeals presented within such period have been disposed of by the appellate department or appellate officer; and
 - (c) action has been taken under section 10 by the Forest Settlement Officer for the acquisition of lands to be included in the proposed reserved forest and such lands have become vested in the Government under section 13 of the ^[31]Hyderabad Land Acquisition Act;

the Government shall publish a notification specifying definitely, according to the boundary marks erected or otherwise the limits of the forest which is to be

declared a reserved forest and declaring the forest to be reserved from a date contained in the notification.

- (2) From the date contained in the notification such forest shall be deemed to be a reserved forest.

Section 20 - Revising settlement under section 10 or 11

After the expiry of a period of five years from the publication of notification under section 19, the Government shall have no right to revise the settlement arrived at in respect of rights under section 10 or section 11 or to commute the rights admitted for other rights and privileges; provided that the provisions of this section shall in no way affect the powers vested in the Government under the Land Acquisition Act.^[32]

Section 21 - Rights not to accrue in reserved forest against these provisions

No right of any description shall accrue in a reserved forest, except a right which has accrued by succession or a grant or contract in writing made by or on behalf of the Government or the person in whom such right had vested at the time of publication of the notification under section 19.

Section 22 - Rights continued under section 14 not to be alienated without sanction

- (1) Notwithstanding anything contained in section 21, the right continued under clause (c) of sub-section (2) of section 14 shall not be alienated by grant, sale, mortgage or otherwise, without the sanction of the Government:

Provided that when such right is appended to any land or building, it may be alienated with such land or building.

- (2) Timber or other forest-produce obtained in exercise of such right shall not be sold or bartered except to such extent as may have been admitted in the order recorded under section 13.

Section 23 - Power to stop ways and watercourses of reserved forest

The Assistant Conservator of Forests may, after obtaining the sanction of the Government, stop public or private ways or water-courses of a reserved forest, provided that as a substitute thereof such public or private ways or water-courses, as the Government deems to be reasonably suitable, already exist or have been provided or constructed by the Assistant Conservator of Forests.

Section 24 - Acts prohibited in reserved forest

(1) Any person who--

(a) makes fresh clearing prohibited under section 5; or

[33] [(b) sets fire to a reserved forest, or to a forest notified to be a reserved forest under section 4, or in contravention of any rules made by the Government in this behalf, kindles in such forest any fire or leaves any fire burning, in such manner as to endanger such a forest, or who, in a reserved forest or a forest notified to be a reserved forest under section 4;]

(c) ???kindles, keeps or carries fire except at such season as the Forest officer may notify in this behalf; or

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

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

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

(g)? ??quarries stone, burns lime or charcoal, or collects any forest produce or carries any manufacturing process thereon; or

(h) ??digs or clears any land for agriculture or any other purpose; or

(i) ???in contravention of the rules made in this behalf by the Government hunts, shoots, fishes, mixes poison in water or sets trap or snare;

shall be punished with imprisonment for a term which may extend to six months or with a fine which may extend to five hundred rupees or with both, in addition to such compensation for causing damage to the forest as the trying court may direct to be paid.

(2) Nothing in this section shall prohibit?

(a) any act done by permission in writing of the Forest officer, or under the rules made by the Government;

- (b) the exercise of any right continued under clause (c) of sub-section (2) of section 14 or created by grant or contract in writing made by or on behalf of the Government under section 21.

[34] [(3) When a person is convicted under clauses (d) and (h) of sub-section (1)--

- (i)? ??a Forest officer not below the rank of a ranger,
- (ii)? ?a Police officer not below the rank of a Sub-Inspector,
- (iii) ?a Revenue officer not below the rank of a Naib-Tahsildar, may evict the person convicted from the forest or the land pertaining to which he has committed an offence.]

Section 25 - Suspension of exercise of rights in reserved forest

Whenever fire is caused willfully or by gross negligence in a reserved forest, the Government may direct that in such forest the rights of pasture or to forest-produce shall be suspended for such period as the Government thinks fit.

Section 26 - Persons who shall assist Forest or Police officer

- (1) Every person having any kind of right in a reserved forest or protected forest, or who is permitted to take any forest-produce from or to cut and remove timber, or to pasture cattle, in such forest; and every person in the village adjoining to such forest who is appointed by the Government or who receives emoluments from the Government for performing services to the village community, shall report, without unnecessary delay, to the nearest Forest officer or Police officer when he has the information that any forest-offence is committed or intended to be committed, and shall with or without the order of such officer?

- (a) assist to extinguish the fire in such forest of which he has knowledge or information;
- (b) prevent, as far as may be, by exercising lawful means, 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 aid from him;

- (c) in preventing in such forest any forest offence; and
 - (d) when there is reason to believe that any forest-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 report without unnecessary delay to the nearest Forest officer or Police officer as required by any provision of sub-section (1);
 - (b) to assist as required by any provision of subsection (1) to extinguish fire in a reserve forest or a protected forest;
 - (c) to prevent, as required by any provision contained in sub-section (1), fire in the vicinity of such forest from spreading to such forest; or
- [35] [(d) to assist any Forest officer or Police officer when he requires aid in preventing the commission of any forest offence, or when there is reason to believe that such offence has been committed in such forests in discovering and arresting the offender;]
- shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees or with both.

Section 27 - Power to declare forest no longer reserved

- (1) The Government may, by notification in the [36] [Official Gazette] direct that from a date contained in the notification such forest or any portion thereof declared as reserved forest under this Act shall cease to be a reserved forest.
- (2) From the date aforesaid such forest or any portion thereof shall cease to be a reserved forest, but the rights which have been extinguished in such forest or any portion thereof shall not revive in consequence of exclusion of such forest or any portion thereof from the reserved forest.

Chapter III - VILLAGE FORESTS

Section 28 - Formation of village forests

- (1) The Government may assign collectively to a village community the rights vested in the Government to or over the land which has been declared a reserved forest and may cancel such assignment. The forests in respect of which rights are so assigned shall be called village forests.
- (2) The Government may reserve any specified area of a forest not included in a reserved forest for the fulfillment of requirements of a village and by notification in the [\[37\]](#) [Official Gazette] declare such area to be a village forest from the date contained in the notification and may cancel such notification in like manner such notifications shall after local publicity be published in the [\[38\]](#) [Official Gazette],
- (3) The Government may make rules for the management of village forests, prescribing the conditions subject to which the village community to which such assignment has been made may be provided collectively with timber or forest-produce or have the right of pasture and the duties for the protection and improvement of forest.
- (4) After a notification is made under sub-section (2) no rights shall accrue in or over the area declared as a village forest nor shall a patta be granted for any portion of such area or forest clearing be made in such area for cultivation or for any other purpose.
- (5) All the provisions of this Act relating to reserved forest shall, so far as they are not inconsistent with the rules made, also apply to village forests.

Chapter IV - PROTECTED FORESTS

Section 29 - Protected Forests

- (1) The Government may, by notification in the [\[39\]](#) [Official Gazette], extend the

provisions of this Chapter to a forest or waste-land which is not included in a reserved forest, but 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.

- (2) The forests or waste lands comprised in such notification shall be called a protected forest.
- (3) Such notification shall not be published unless the nature and extent of the rights of the Government or of private person in respect of the forest or waste land comprised therein, have been recorded after enquiry at survey or settlement, or in such other manner as the Government thinks fit. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest or waste land, the Government is of the opinion that such enquiry and record are necessary, but that the completion thereof shall require time such as in the meantime to endanger the rights of the Government, the Government may, pending such enquiry and record, but without abridging or affecting the existing rights of people which they severally or jointly possess, declare such land to be a protected forest.

Section 30 - Notification for reserving frees, etc

The Government may, by notification in the ^[40] [Official Gazette],--

- (a) declare any tree or class of trees in a protected forest to be reserved from a date contained in the notification;
- (b) declare that admission in any portion of the forest mentioned in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons over such portion shall be suspended during such term, provided that the remaining portion of such forest be sufficient, and situate in a locality suitable for the exercise of the rights so suspended in the portion closed for admission;

- (c) prohibit, from a date contained in the notification the quarrying of stone or the burning of lime or charcoal in such forest or the collection of or subjecting to any manufacturing process or removal of any forest produce of such forest and the digging up or clearing for cultivation, for building, for herding cattle or for any other purpose, of land in such forest.

Section 31 - Publication of translation of such notification in neighbourhood

The [41] [Collector] shall cause a translation in the local vernacular of a notification referred to in section 30 to be affixed at a conspicuous place in every town and village adjacent to the forest mentioned in the notification.

Section 32 - Power to make rules for protected forests

The Government may make rules to regulate the following matters:--

- (a) the cutting, sawing, conversion and removal of trees and timber of protected forest; the collection and subjection to manufacturing process and [\[42\]](#) [removal] of forest-produce;
- (b) the granting of licence to the inhabitants of towns and villages adjacent to the protected forest to remove trees, timber or other forest-produce from such forest for their own use and the production and return of such licence;
- (c) the granting of licences to persons cutting trees of such forest and remove such trees or timber or other forest-produce for the purpose of trade, and the production or return of such licences;
- (d) the amount to be paid by the persons mentioned in clauses (b) and (c) for the purpose of cutting or removing such trees, or the timber or other forest-produce;
- (e) the other amount to be paid by persons mentioned in clauses (b) and (c) in respect of such trees, timber and other forest-produce, and the places where such payments shall be made;

- (f) the examination of forest-produce removed out of such forest;
- (g) the digging or clearing of land of such forest for cultivation or any other purpose;
- (h) the protection from fire of timber lying in such forest, or of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forest;
- (j) hunting, shooting, fishing, mixing poison in water and setting trap or snare in such forest;
- (k) the protection and management of any portion of the forest wherein admission is closed under section 30; and
- (l) the exercise of rights referred to section 29.

Section 33 - Penalty for contravention of notification under section 30 and of rules made under section 32

- (1) Any person who commits any of the following offences:--
 - (a) fells, girdles, lops, taps or sets fire to any tree reserved under section 30 or strips off its leaves or bark or otherwise damages it;
 - (b) contrary to prohibition under section 30, quarries stone, or burns lime or charcoal, or collects or removes any forest-produce or subjects it to any manufacturing process to;

- (c) contrary to prohibition under section 30, digs or clears for cultivation or any other purpose any land in a protected forest;
- (d) sets fire to such forest, or kindles a fire without taking reasonable precaution to prevent its spreading to the trees reserved under section 30, whether standing, fallen or felled, or to prevent its spreading to the portion of such forest where admission is prohibited;
- (e) sets fire to and leaves it burning in the vicinity of such trees or the portion wherein admission has been prohibited;
- (f) fells trees or drags timber so as to damage the trees which have been reserved;
- (g) lets loose cattle so as to damage such trees; or (h) infringes any rule made under section 32; shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

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

[43] [(3) When a person is convicted of offence under sub-section (1), a Forest officer not below the rank of a Ranger, a Police officer, not below the rank of a Sub-Inspector or a Revenue officer not below the rank of a Naib-Tahsildar, may evict the person convicted from the protected forest, pertaining to which, he has committed the offence.]

Section 34 - Notwithstanding provisions of this Chapter, action may be taken in certain

cases

The provisions of this Chapter shall not be deemed to prohibit the doing of any act in exercise of rights recorded under section 29 with the permission of in writing of the Forest officer, other than admission in the forest prohibited under section 30, or exercise of the right suspended under section 33.

Chapter IVA - PROTECTION OF LANDS AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN RESERVED OR VILLAGE FORESTS

Section 34A - Power to make rules

[\[44\]](#) [CHAPTER IV-A.

PROTECTION OF LANDS AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN RESERVED OR VILLAGE FORESTS

Subject to all rights now legally vested in individuals and communities, the Government may for any district or portion of a district, make rules to regulate the used of the pasturage, or of the natural produce of land at the disposal of Government and not included in a reserved forest such rules among other things, may:--

- (a) regulate or prohibit the occupation, clearing or breaking up of land for cultivation or other purposes;
- (b) regulate or prohibit the kindling of fires, 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 quarrying of stones, the boiling of catechu or the burning of lime of charcoal;
- (e) regulate or prohibit the cutting of grass and pasturing of cattle and sheep and regulate the payments (if any) to be made for such cutting of grazing;

- (f) regulate the sale or free grant for timber or other natural produce;
- (g) prescribe the fees, royalties or other payments for timber or other natural produce, and the manner in which such fees, royalties or other payments shall be levied.

The Government may prescribe as penalties for breach of such rules, imprisonment for term, which may extend to one month or fine which may extend to fifty rupees, or both:

Provided that Government may exempt any person or class of persons from the operation of all or any of such rules.

Section 34B - Suspension of rights in lands not included in reserved forest

Whenever fire is caused, willfully, or negligently, in any land to which the rules made under section 34-A have been extended, and if the Government deem it expedient to suspend for any period the right to pasture or natural produce in such land, the may direct that such rights shall for such period be suspended.

Section 34C - Penalty for contravention of orders posed under section 34-B

Whoever pastures cattle, or permits cattle to spas on any land closed to pasture under section 34-B shall be punished with fine which may extend to one hundred rupees, and in the case of a subsequent offence, with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month, or with both.]

Chapter V - CONTROL OVER FOREST AND LANDS NOT BEING PROPERTY OF GOVERNMENT

Section 35 - Protection of forest for special purposes

[45] [(1) The Government may, by notification in the Official Gazette in order to prohibit or regulate the following matters in a forest or waste land, issue orders to the owners thereof:--

- (a) the digging or clearing of land for cultivation;
- (b) the pasturing of cattle;

- (c) the clearing or firing of the vegetation; or
- (d) the cutting and felling of trees, when such prohibition or regulation appears to the Government to be necessary for the following purposes:--
 - (i) for protection against storm, wind, rolling stones, flood and hurricane;
 - (ii) for the preservation of the soil of the ridge or slope and in valleys and hilly area, the prevention of landslip or of the formation of ravine or torrents, or the protection of land against erosion, or the deposit thereon of sand, gravel or stone;
 - (iii) for maintenance of water reservoir, river or tank;
 - (iv) for the protection of roads, bridges, railways and other means of communications;
 - (v) for the preservation of health; or
 - (vi) for the conservation of any forest.]
- (2) The Government may, for the aforesaid purposes undertake at its own expense, in any forest or waste land, such construction as it thinks fit.
- (3) No notification shall be made under sub-section (1) nor shall any construction be carried on under subsection (2), until a notice is issued to the owner of such forest or waste land calling on him to show cause, within a reasonable period to be specified in the notice, why such notification should not be made or work done, and until his objections and evidence he may produce in support of the same have been heard by an officer appointed in that behalf, and have been considered by the Government.

Section 36 - Power to assume control of forest

- (1) If there is neglect of, or willful disobedience to any prohibition or orders issued under section 35, or if it is necessary for the purposes of the work to be done under that section to do so, the Government may after issuing a notice in writing to the owner of such forest or land and after hearing his objections, place the same under the control of a Forest officer and may declare that all or some of the provisions of this Act relating to reserved forest shall apply to such forest or land.

- (2) The net profit arising from the management of such forest or land shall be paid to the owner thereof.
- (3) The Government shall restore such forest or land to the owner those of subject to such conditions and after such period as it may deem fit.

Section 37 - Part acquisition of forest in certain cases

- (1) In any case arising under this Chapter in which the Government instead of placing the forest or land under the control of a Forest officer, considers it proper to acquire the same for public purposes, the Government may proceed to acquire such forest or land under the Land Acquisition Act.
- (2) The owner of any forest or land mentioned in a notification under section 35 may, within a period not less than three years from the date of the notification, apply that such forest or land be acquired for public purposes, and the Government shall acquire such forest or land accordingly.

Section 38 - Conservation of forests on application of owners

- (1) The owner of any land or if there be more than one owner, at least two-thirds share-holders thereof may, with a view to the formation or conservation of forest on their land apply in writing to the [46] [Collector] that?
 - (a) such land be managed on their behalf by the Forest officer, as a reserved or a protected forest subject to such terms as may be mutually agreed upon; or
 - (b) all or some of the provisions of this Act be applied to such land.
- (2) The Government may in any aforesaid case by notification in the [47] [Official Gazette] apply to such land such provisions of this Act as it thinks suitable to the

circumstances and as may be desired by the applicant.

Chapter VI - THE FORESTS OVER WHICH THE RIGHTS ARE JOINTLY VESTED IN THE GOVERNMENT AND OTHER PERSONS

Section 39 - Management of forests over which rights are jointly vested in Government and other persons

- (1) If the Government and other persons be jointly vested with rights in any forest or waste-land or in the entire forest-produce or any part thereof, the Government,
 - (a) shall itself undertake the management of such forest, waste land or forest-produce and account to such person or persons vested with rights in the same; or
 - (b) may cause the management of such forest, waste land or forest-produce to be undertaken by the persons jointly vested with rights in such manner as may appear proper to the Government in view of the rights of all the parties.
- (2) When the Government desires to undertake under clause (a) of sub-section (1) the management of any forest, waste land or forest-produce, the Government may, by notification in the ^[48] [Official Gazette] declare that the provisions of Chapters II and IV shall apply to such forest, waste land or forest-produce and thereupon the said provisions shall apply to such forest, waste land or forest-produce.

Section 40 - Persons appointed to act according to provisions of this Act to be deemed Forest officers

All persons appointed under clause (b) of subsection (1) of section 39, to act according to the provisions of this Act shall be deemed to be Forest officers within the meaning of this Act.

Section 41 - Consequences of failure to perform services for which share in produce of Government forest is given

If any person be entitled to receive a share in the produce of the forest which is owned by the Government or over which the Government has proprietary rights or to any part of the produce

of which the Government is entitled and the said title has been accorded on the condition of performing any service in respect of such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Government that such service is not being properly performed:

Provided that such share shall not be confiscated until the person entitled thereto, and the evidence which he may desire to produce in proof of the proper performance of such service, have been heard by an officer appointed in that behalf by the Government.

Chapter VII - LEVYING DUTY ON TIMBER AND OTHER FOREST-PRODUCE

Section 42 - Power to levy duty on timber and other forest-produce

(1) The Government may levy a duty, in such manner, at such places, and at such rates as it may prescribe by notification in the [49] [Official Gazette] on timber or other forest-produce:--

(a) which is produced in [\[50\]](#) [the area to which this Act extends] and in respect of which any right vests in the Government;

(b) which is brought from any place outside [\[51\]](#) [the area to which this Act intends].

Section 43 - Purchase money or royalty not to be limited

Nothing in this Chapter shall reduce the amount chargeable as purchase money or royalty on any timber or forest-produce although the same is levied as duty on such timber or forest-produce in transit.

Chapter VIII - CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

Section 44 - Power to make rules for regulating transit of forest-produce

(1) The right of control of rivers and their banks for the purpose of floating of timber on water, as well as the right of control of timber or other forest-produce which may be transported by land or water, is vested in the Government and it may make rules for regulating the transport of timber and other forest-produce.

- (2) In particular and without prejudice to the generality of the foregoing powers, the Government may make rules?
- (a) prescribing the routes by which timber or other forest-produce may be imported, exported or moved from one place to another in [52] [the area to which this Act extends.]
 - (b) prohibiting the import or export or moving of such timber or other forest-produce without obtaining a pass from an officer duly authorised to issue the same, or against the conditions of such pass;
 - (c) providing for the issue, production and return of passes and for the payment of fees therefore;
 - (d) providing for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or any other charge or to which affixing of marks for the purposes of this Act is required;
 - (e) for the establishment and control of depots to which such timber or other forest-produce shall be taken by the persons in charge of it for examination or for the payment of such money or for affixing of marks; and prescribing the conditions under which such timber or forest-produce shall be brought to be stored at and removed from such depots;
 - (f) prohibiting the closing up or obstructing of the channel or banks of a river used for the transit of timber or other forest-produce and the throwing of grass, brush wood, branches or leaves into such river and any act which may cause such river to be closed or obstructed;
 - (g) providing for preventing the creation or removal of such obstruction on the channel or banks of a river and for recovering the expenses incurred in such

prevention or removal of obstruction from the persons whose act or negligence necessitated such expenses;

(h) prohibiting absolutely or subject to "conditions within specified local limits, the establishment of sawpit, the cutting, burning, concealing or marking of timber, the altering or effacing of marks on the same, or the possession or carrying of marking hammers or any other implement used for marking timber;

(i) regulating for the property mark for timber, and the registration of such mark, prescribing the period for which such registration may hold good; prescribing the number of such property marks that may be registered by any one person and the recovery of registration fee.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

Section 45 - Penalty for breach of rules made under section 44

(1) The Government may prescribe a sentence of imprisonment for the contravention of any rule made under section 44 for a term which may extend to six months or fine, which may extend to five hundred rupees or both.

(2) The rules may provide that in cases where the offence is committed after sunset and before sun-rise or after preparation for resistance to an order of an authorised officer, or where the offender has been previously convicted of a like offence, double the penalty mentioned in sub-section (1) shall be inflicted.

Section 46 - Government and Forest officers not liable for loss to forest-produce at depot

The Government shall not be liable for the loss or damage caused in respect of timber or other forest-produce while keeping timber or forest-produce at depot established under a rule made under section 44, 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

negligently, maliciously or fraudulently.

Section 47 - Seeking aid in case of accident at depot

In case of any accident or emergency involving danger to property kept at such depots, all persons working at such depots shall render assistance to any Forest Officer or Police Officer demanding aid in averting danger or securing such property from damage or loss,

Chapter IX - COLLECTION OF DRIFT OR STRANDED TIMBER

Section 48 - Certain kinds of timber to be deemed property of Government until title proved and may be collected as such

- (1) All timber found a drift, beached, stranded or sunk, all wood or timber bearing marks which have not been registered in accordance with the rules made under section 44, or whose marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the Government may prescribe, all unmarked wood and timber, shall be deemed to be the property of the Government unless any person establishes his right and title thereto, in accordance with the provisions of this Chapter.
- (2) Such timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 54, and such timber may be brought to the depot which the Forest Officer may notify for the keeping of drift timber.
- (3) The Government may, by notification in the [53] [Official Gazette] exempt any kind of timber from the provisions of this section.

Section 49 - Notice to claimant of drift timber

The Forest Officer shall, from time to time, issue a public notice of timber collected under section 48. Such notices shall contain a description of the timber, and shall require the person claiming the same to present to such Forest officer, within a period not less than two months from the date of the notice, a written statement of such claim.

Section 50 - Procedure on preferring claim to such timber

- (1) When such statement is presented in the aforesaid manner, the Forest officer may after making such enquiry as he thinks fit and after recording the reasons, either

reject the claim, or deliver the timber to the claimant.

- (2) If there be more than one claimant to such timber, the Forest officer shall either deliver the timber to the person whom he thinks entitled thereto or shall refer the claimants to a Civil Court, and retain the timber pending the receipt of an order from such Court for the delivery thereof.
- (3) The person whose claim has been rejected under this section may, within three months from date of rejection, institute to suit a recover possession of the timber for which he is a claimant, but no person shall be entitled to any compensation of costs from the Government or any Forest officer on account of such rejection or the removal or detention of timber, or the delivery thereof to any other person under this section.
- (4) No proceeding shall lie in respect of such timber in any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been instituted.

Section 51 - Disposal of timber for which there is no claimant

If such statement has not been presented as aforesaid, or if the claimant fails to prefer his claim in the manner and within the period fixed in the notice issued under section 49, or on claim having been preferred and rejected, fails to institute a suit to recover possession of such timber within the further period fixed under section 50, the ownership of such timber shall vest in the Government or, when such timber has been delivered to another person under section 50, the proprietary rights thereof shall vest in such person free from encumbrances not created by him.

Section 52 - Government and Government officers not liable for loss of timber

The Government shall not be liable for any loss or damage caused in respect of the timber under section 48, and no Forest officer be liable for such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

Section 53 - Claimant to make payment before delivering timber

No person shall be entitled to recover possession of the timber collected or delivered as

aforesaid until he has paid to the Forest officer or the person authorised to receive it, such sum on account thereof as may be due under any rule made under section 54.

Section 54 - Power to make rules and prescribe penalties

- (1) The Government may make rules, to regulate the following matters:--
 - (a) the salving or collection of timber mentioned in section 48 or disposal thereof in any other manner;
 - (b) the use and registration of boats used in salving or collecting timber;
 - (c) the amount to be paid for salving, collecting, moving, storing or disposing of such timber in any other manner;
 - (d) the use and registration of hammers or other instruments used for marking such timber.
- (2) The Government may prescribe a sentence of imprisonment for the contravention of any rule made under this section for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Chapter X - PENALTIES AND PROCEDURE

Section 55 - 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, any Forest officer or Police officer may seize such forest-produce together with all tools, ropes, chains, boats, motor cars, lorries, carts and cattle used in committing such offence.
- (2) Every officer seizing any property under this section shall make on such property a mark indicating that the property has been seized; and shall, as soon as may be, make a report of seizure of the property to the Magistrate having jurisdiction to try the offence on account of which the seizure of the property has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if [\[54\]](#) [the officer] makes, as soon as may be, a report of the circumstances of the case to his superior officer.

Section 56 - To release property seized under section 55

Any Forest officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any property under section 55, may release the property if the owner thereof executes a bond to the effect that he shall produce the property released, whenever required, before the Magistrate having jurisdiction to try the offence on account of which the seizure of property has been made.

Section 57 - Procedure on receipt of report

Upon receipt of such report the Magistrate shall, as soon as may be, take such action as may be necessary for the arrest and trial of the accused and the disposal of property according to procedure.

Section 58 - Forest produce, tools etc. when liable to confiscation

- (1) All timber or forest-produce which is not the property of the Government and in respect of which a forest-offence has been committed, and all tools, carts and cattle used in committing any forest-offence, shall be liable to confiscation by the Government.
- (2) Such confiscation may be made in addition to any other punishment prescribed for such offence.

Section 59 - Disposal on conclusion of trial of forest-offence, of forest-produce in respect of which offence was committed

When the trial of any forest offence is concluded, the forest-produce in respect of which such offence has been committed shall, if it is the property of the Government [\[55\]](#) [or has been confiscated by the Government] be handed over to a Forest officer, and in other cases, shall be disposed of in such manner as the Court may direct.

Section 60 - Procedure when, offender not known or cannot be found

When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the Forest officer to confiscate or take charge of property in respect of which the offence has been committed or deliver it to the person whom the Magistrate deems to be entitled to the same:

Provided that such order shall not be made until the expiration of one month from the date of seizing such property, or without hearing the person claiming any right thereto or the evidence which he may desire to produce in support of his claim.

Section 61 - Procedure as to perishable articles seized under section 55

- (1) The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of the property seized under section 55 and subject to speedy decay and may deal with the proceeds as he would have dealt with if the property had not been sold.
- (2) If any property which has been made over to a Forest officer not below the rank of a Ranger, under section 60, be of a perishable nature he may direct the sale thereof in the aforesaid manner.

Section 62 - Appeal from order given under section 58, 59 or 60

The officer who seized the property under section 55 or any of his superior officers or any person having any interest in the property so seized may, within one month from the date of the order under section 58, 59 or 60 appeal therefrom to the Court in which an appeal from the order of such Magistrate ordinarily lies. The order passed in appeal shall be final.

Section 63 - Property when to vest in Government

When an order for the confiscation of any property is passed under section 58 or 60 and no appeal is presented against such order within the prescribed period or such order, in case an appeal is preferred is upheld, such property shall vest in the Government free from all encumbrances.

Section 64 - Power to release property seized

The provisions hereinbefore contained shall not be deemed to prevent any Forest officer authorised by the Government in this behalf to direct the immediate release of any property

seized under section 55.

Section 65 - Punishment for wrongful seizure

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

Section 66 - Penalty for defacing and counterfeiting marks on trees, and timber and for altering boundary marks

Whoever, with intent to cause loss or injury to the public or any person or to cause a wrongful gain or wrongful loss as defined in the [\[56\]](#) [Indian Penal Code, 1860 (Central Act 45 of 1860.)]--

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest officers to indicate that such timber or tree is the property of the Government or of any other person, or that it may lawfully be cut or removed by some person; or
- (b) unlawfully places on any timber or standing tree a mark used by Forest officers; or
- (c) alters, defaces or erases any such mark placed on any timber or standing tree under the authority of a Forest officer; or
- (d) alters, defaces, destroys or removes boundary marks of any forest or any land to which the provisions of this Act apply;

shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Section 67 - Power to arrest with out warrant

- (1) Any Forest officer, Police officer or Revenue officer may, without an order from a

Magistrate and without a warrant of arrest, arrest the person against whom there is reason to believe that he has been concerned in any forest-offence punishable with imprisonment for a term of one month, or more, if such person refuses to disclose his name and residence or discloses a name or residence which there is reason to believe to be false, or if there is reason to believe that such person will abscond. Every officer arresting a person under this section shall, without unnecessary delay, take or send the person arrested to the nearest Police station and the officer-in-charge of such Police station shall thereupon act in accordance with the procedure.

[57] [(2) It shall not be deemed by anything in this section that an arrest for any act which is an offence under the Fourth Chapter is lawful unless such act has been prohibited under clause (c) of section 30.]

Section 68 - Power to release on bond arrested person

Any Forest officer of a rank not inferior to that of a Ranger or an officer subordinate to him who has arrested any person under the provisions of section 67, may release such person if he executes a bond to the effect that he shall appear whenever required, before the Magistrate having jurisdiction in the case or before the nearest [\[58\]](#) [* * *] officer-in-charge of the Police Station.

Section 69 - Power to prevent commission of offence

Every Forest officer or Police officer shall prevent, and interfere for the purpose of preventing the commission of any forest offence.

Section 70 - Power to try offence summarily

The District Magistrate or the Magistrate of the first class especially empowered in this behalf by the Government may try summarily, under the [\[59\]](#) [Code of Criminal Procedure, 1898 (Central Act 5 of 1898)] any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

Section 71 - Power to compound offences

[60] [(1) Government may by notification in the official Gazette empower a Forest officer--

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in

section 65 or 66, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) where any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) ??On the payment of such sum of compensation and the value of the property 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 to exercise powers, unless he is a Forest officer of a rank not inferior to that of a Ranger, and, the sum of money accepted as compensation under clause (a) of subsection (1) shall not exceed a sum of Rs. 50 (Rupees fifty only) where no property is involved, and where property is involved it shall not exceed twice the value of the property seized, or in respect of which commission of an offence is reasonably suspected, and in no case shall it be less than the value of such property.]

Section 72 - Presumption as to timber and forest-produce being Government property

When in any proceedings taken under this Act, or in consequence of any act done under this Act, a question arises as to whether any forest-produce is the property of the Government, it shall be presumed to be the property of the Government until the contrary is proved.

Chapter XI - CATTLE TRESPASS

Section 73 - Impounding cattle

Cattle trespassing in a reserved forest or protected forest or on land where grazing has been lawfully prohibited, shall be deemed to be cattle causing damage or spoiling within the meaning of section 8 of the Hyderabad Cattle Trespass Act^[61] and any Forest officer or Police officer may seize and impound such cattle.

Section 74 - Power to alter fines under Cattle Trespass Act

The Government may, by notification in the ^[62] [Official Gazette] direct that in lieu of the fine fixed under section 10 of the Hyderabad Cattle Trespass Act², there shall be levied for each

head of cattle impounded under section 73 of this Act, such fine as the Government thinks fit, but not exceeding the following rate:--

For each elephant	ten rupees.
For each buffalo or camel	.. two rupees.
For each horse, mare, gelding, pony, colt, filly, mule, bullock, cow, or heifer	.. one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat and kid	. .. [63]eightannas.

Chapter XII - FOREST OFFICERS

Section 75 - Government may invest any Forest officer with certain powers

(1) The Government may invest any Forest officer by name, or as ex-officio, with all or any of the following powers:--

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents [64] [and material objects;]
- (c) power to issue a search - warrant under the [65] [Code of Criminal Procedure, 1898 (Central Act 5 of 1898.)];
- (d) power to held an enquiry into forest-offences and in the course of the enquiries to receive and record evidence.

Section 76 - Forest officers to be deemed to be Government servants

Forest officers shall be deemed to be Government servants within the meaning of the [66] [Indian Penal Code, 1860 (Central Act 45 of 1860.).]

Section 77 - Indemnity for acts done in good faith

No suit shall lie against a Government servant for anything done by him in good faith under this Act.

Section 78 - Forest officers prohibited to trade

Without the permission in writing of the Government no Forest officer shall, as principal or agent, trade in timber or other forest-produce, or have any sort of connection with lease of any forest or with contract for managing forest in or outside [67] [the area to which this Act extends.]

Chapter XIII - BYE-LAWS

Section 79 - Additional power to make rules

The Government may make rules in the following matters:--

- (a) prescribing and limiting the powers of any Forest officer under this Act;
- (b) manner to reward officers and informers;
- (c) preservation, growing and removal of trees, timber and forest-produce belonging to the Government;
- (d) generally for carrying out the provisions of this Act.

Section 80 - Penalty for breach of rules

Any person contravening any rule made under this Act for contravention of which no special penalty is fixed shall be punished with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

Chapter XIV - MISCELLANEOUS

Section 81 - Recovery of amounts due to Government

All amounts payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in carrying out the provisions of this Act in respect of such forest-produce, shall if not paid in time, be recovered under the law for the time being in force as if it were an arrear of land revenue.

Section 82 - Lien on forest-produce for money

- (1) When any money is payable as aforesaid for or in respect of any forest-produce, the amount shall be deemed to be a first charge on such forest-produce, and such forest-produce may be kept in possession by a Forest officer until such amount has been paid.
- (2) If such amount is not paid in time, the Assistant Conservator of Forests may sell such forest-produce by auction and such amount shall be first deducted from the sale-proceeds.
- (3) If there be any surplus and the person entitled thereto does not claim it within three months from the date of the sale, the amount shall be forfeited to the Government.

Section 83 - Land required under this Act to be deemed to be needed for public benefit under land Acquisition Act

Whenever it appears to the Government that any land is required for any purposes of this Act, such land shall be deemed to be needed for Government purposes or public benefit within the meaning of section 3 of the Land Acquisition Act of 1309 F[68].

Section 84 - Recovery of amount due under agreement

When any person, in compliance with any provision of this Act, or with rules made thereunder, agrees by any agreement or instrument to perform any duty or do any act, or covenants by any agreement or instrument that he, or his servants and agents will abstain from any act, the whole sum mentioned in such agreement or instrument payable in case of a breach of the conditions thereof shall, notwithstanding anything in section 72 of the Contract Act^[69], be recovered from that person in case of breach as if it were an arrear of land revenue.

Section 85 - Repeal and saving

The Forest Act No. I of 1326 Fasli, is hereby repealed; but the rules made, the acts done or action taken before the commencement of this Act under the previous provisions shall, so far as they are consistent with this Act, be deemed to have been made, done or taken in exercise of powers conferred by or under this Act.

- [1] Received the assent of His Exalted Highness the Nizam on 4th Zilhejjtulharam 1364 Hijri, corresponding to 6th Dai, 1355 F., and published in the Official Gazette dated 28th Aban, 1355 F.
- [2] Substituted for the words "Mumalik-e-Mahroosa-i-Sarkar-i-Aali" (H.E.H. the Nizam's Dominions) by the A.P. A.O. 1957.
- [3] Substituted for the original short title by A.P. Act IX of 1961.
- [4] Substituted for the word "Jarida" by A.P. A.O. 1957.
- [5] Substituted for the words "Kul-Mumalik-e-Mahroosa-i-Sarkar-i-Aali" (the whole of H.E.H. the Nizams's Dominions) by ibid.
- [6] Inserted by ibid.
- [7] Substituted for the original short title by A.P. Act IX of 1961.
- [8] Substituted for the word "Jarida" by A.P. A.O. 1957.
- [9] Substituted by Act No. VI of 1356 F.
- [10] Substituted by Act No. XXIX of 1956.
- [11] Substituted for the word "Jarida" by the A.P. A.O. 1957.
- [12] Substituted for the word "Taluqdar" by the A.P. A.O. 1957.
- [13] The Hyderabad Land Acquisition Act, 1309 F. has since been repealed by A.P. Act No. XX of 1959.
- [14] Now section 9 of the Land Acquisition Act, 1894 (Central Act 1 of 1894.)
- [15] Now section 9 of the Land Acquisition Act, 1894 (Central Act 1 of 1894.)
- [16] Substituted for the word "Taluqdar" by the A.P. A.O. 1957.
- [17] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [18] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [19] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [20] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [21] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [22] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [23] Substituted for the word "Subedar" by the A.P. A.O. 1957.
- [24] Substituted for the word "Subedar" by the A.P. A.O. 1957.

[25] Substituted for the words "NazimSadarAdalat" (Judge of the Sub-Court) by *ibid*.

[26] Substituted for the word "Talukdar" by *ibid*-

[27] Substituted for the word "Talukdar" by *ibid*-

[28] Substituted for the words "NazimSadarAdalat" (Judge of the Sub-Court) by *ibid*.

[29] Substituted for the reference "Hyderabad Civil Procedure Code" by *ibid*.

[30] Substituted by Act No. VI of 1356 F.

[31] repealed by Andhra Pradesh Act No. XX of 1959.

[32] repealed by A.P. Act XX of 1959.

[33] Substituted by Act No. XXIX of 1956.

[34] Added by Act No. XXIX of 1956.

[35] Substituted by Act No. VI of 1356 F.

[36] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[37] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[38] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[39] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[40] Substituted for the "Jarida" by the A.P. A.O. 1957.

[41] Substituted for the word "Talukdar" by *ibid*.

[42] Added by Act No. VI of 1356 F.

[43] Added by Act No. XXIX of 1956.

[44] Added by Act No. XXIX of 1956.

[45] Substituted by Act No. IV of 1953

[46] Substituted for the word "Taluqdar" by the A.P. A.O. 1957.

[47] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[48] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[49] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[50] Substituted for the words "Mumalik-i-Mahroosa-i-Sarkar-i-Aali" (H.E.H. the Nizam's Dominions) by ibid.

[51] Substituted for the words "Mumalik-i-Mahroosa-i-Sarkar-i-Aali" (H.E.H. the Nizam's Dominions) by ibid.

[52] Substituted for the words "Mumalik-e-Mahroosa-i-Sarkar-i-Aali" (H.E.H. the Nizam's Dominions) by the A.P. A.O. 1957.

[53] Substituted for the word "Jarida" by the A.P. A.O., 1957.

[54] Substituted by Act No. VI of 1356 F.

[55] Added by Act No. VI of 1356 F.

[56] Substituted for the reference "Hyderabad Penal Code" by the A.P. A.O. 1957.

[57] Amended by Act No. VI of 1356 F.

[58] Omitted by ibid.

[59] Subs. for the reference "Hyderabad Criminal Procedure Code" by the A.P. A.O. 1957.

[60] Substituted by Act No. XI of 1955.

[61] repealed by A.P. Act XVI of 1959.

[62] Substituted for the word "Jarida" by the A.P. A.O. 1957.

[63] The reference to annas and pies should now be construed as reference to that equivalent value expressed in nayepaise-See S. 14 of the Indian coinage Act, 1906 (Central Act 3 of 1906).

[64] Added by Act No. VI of 1356 F.

[65] Substituted for the reference "Hyderabad Criminal Procedure Code" by the A.P. A.O. 1957.

[66] Substituted for the reference "Hyderabad Penal Code" by ibid.

[67] Substituted for the words "Mumalik-e-Mahroosa Sarkar-i-Aali" (H.E.H. the Nizam's Dominions) by A.P. A.O. 1957.

[68] repealed by A.P. Act XX of 1959.

[69] repealed by Central Act 3 of 1951.