

VII. THE HYDERABAD FOREST ACT, 1326 F

(Received the assent of His Exalted Highness the Nizam's Government on 14th Isfandar 1326 F.)

Preamble :- Whereas it is expedient to make better provision for the protection and management of forests in His Exalted Highness the Nizam's Dominions; It is hereby enacted as follows:-

CHAPTER-I

Preliminary

1. Short title, commencement and local extent:- (1) This Act may be called "The Hyderabad Forest Act"; and it shall come into force in the whole of His Exalted Highness the Nizam's Dominions from the first day of Ardi-behisht 1326 Fasli.

(2) His Excellency the Minister may, by notification, exempt any area from the operation of the whole or any portion of this Act, or may vary or cancel such notification.

(3) From the date of commencement of this Act, the Hyderabad Forest Act No. XI of 1309 Fasli shall be repealed.

2. Definitions:- In the Act, unless there be anything repugnant in the subject or context:-

(1) "Jagir Village" shall for the purpose of this Act, include both a Makhta and an Agrahar;

(2) "Forest Settlement Officer" shall mean an officer appointed under section 7 of this Act;

(3) "Forest Officer" shall mean any person who, for the purposes of this Act may be appointed by His Excellency the Minister or by any officer empowered by him in this behalf;

(4) "Assistant Conservator of Forests" means and officer in charge of any portion of a forest, whether such portion covers one or more districts or forms part of a single district

(5) "Tree" includes bamboos, stumps, brush wood and canes;

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

(7) "Irsali Timber" means timber of such varieties of trees as have been or may hereafter be reserved by Government; all other varieties shall be called "Ghairi timber"

(8) "Forest produce" includes all parts of animals, and vegetable or mineral products found in, or brought from, a forest;

(9) "Forest offence" means any offence punishable under this Act;

(10) "Cattle" includes elephants, camels, oxen, buffaloes, horses, ponies, mules, asses and pigs;

(11) "Sheep" includes goats and rams;

(12) "River" includes streams, canals and other channels, natural or artificial;

(13) "Land" means any land over which forest rights are vested in Government

CHAPTER II

Protected Forests and Reserved Forests

3. Protected Forests:- Whenever it is considered desirable to declare any land over which forest rights are vested in Government, to be a protected forest, the Government may publish a notification, specifying the boundaries of such land as nearly as possible and declaring that from the date of the notification the land shall be a "protected forest". From such date, within the area declared to be a protected forest:-

(1) No private rights shall accrue

(2) No patta shall be issued or other grant of land be made; and any patta issued or grant made in contravention of this section, shall be null and void;

Provided that pattas issued or grants made by Government, notwithstanding the knowledge that the lands concerned have been declared to be a protected area shall be valid;

(3) No fresh clearing of the trees or tilling of the ground for cultivation or other purposes shall be allowed;

(4) No felling or burning of trees or removals of, or damage to, any trees, shrubs, plants or grass or parts thereof, shall be allowed;

Provided that nothing contained in clauses (3) and (4) shall effect such working of Forests as may be ordered by the Assistant Conservator of Forests.

(5) The grazing of cattle or sheep in any part of the protected area, may be prohibited by the Conservator of Forests.

(6) The notification issued under this section shall remain in force for a period of three years from the date thereof.

4. Publication of notification:- A copy of the notification under the last preceding section, together with a copy of the section itself shall be forwarded to the Patel of every village falling within the protected area, and to the Tahsildar of the Taluka in which such village is situated, for publication by beat of tom tom in the village and its farms.

Explanation:- Any forest which, before the commencement of this Act, may have been declared to be a protected area, shall be deemed to be protected forest under section 3.

5. Penalty for contravention of Section 3:- Any person contravening the provisions of section 3 shall, on conviction by a magistrate, be punished with fine which may extend to one hundred rupees.

6. Power to constitute reserved forests:- The Government may from time to time in the manner hereinafter mentioned declare any land over which forest rights are vested in the Government, to be a "reserved forest".

7. Notification by Government:- Whenever it is considered desirable to constitute any land a "reserved forest" the Government shall publish a notification,

- (a) declaring that, it is proposed to constitute such land a reserved forest;
- (b) specifying, as nearly as possible, the exact situation of such land, and its boundaries with reference to any road, river, ridge or other readily recognizable marks, and if such boundaries include any land which it is not proposed to constitute a reserved forest, giving a description of such land so included.

When the boundaries of the land are defined as aforesaid, the land shall be deemed, for the purposes of this section to have been fully described.

- (c) appointing a Forest Settlement Officer to inquire into and determine the existence, nature and extent of any rights alleged by any person to exist in his favour in or over any land comprised within the aforesaid boundaries, or in regard to any forest produce of such land. Ordinarily, no employee of the Forest department shall be

appointed a Forest Settlement Officer; nevertheless, Government may appoint any Forest Officer to attend on their behalf at the inquiry prescribed in this section.

8. Bar of accrual forest rights and prohibition of forest clearings:- During the interval between the date of notification under section 7 and the date fixed by the notification under section 18, no right shall be acquired in or over the land included in such notification except by recognized succession, or under a grant or contract in writing, made or entered into, on behalf of Government or of some other person in whom such right was vested before the publication of the notification first referred to above. No fresh clearings for cultivation or for any other purpose shall be made on such land nor shall any patta in regard of such land be granted on behalf of Government without their previous sanction; and every patta granted without sanction, shall be null and void.

9. Claims to be determined by Forest Settlement Officer :- During the interval between the date of the notification under section 7 and the date fixed in the notification under section 18, all claims advanced in regard to rights in or over any land falling within the limits fixed in the said notification, or to the forest produce of such land shall be determined by the Forest Settlement Officer; and in regard to such rights no Civil Court shall, during the aforesaid interval, entertain any such suit against Government.

10. Proclamation by Forest Settlement Officer:- When a notification has been issued under section 7, the Forest Settlement Officer shall publish in Urdu and in the local vernacular, in the Jareeda and at the headquarters of the Taluka in which any portion of the land included in the notification is situated and in every town and village situated within or adjoining the land, a proclamation:-

- (a) specifying, as nearly as possible, the exact situation and limits of the land proposed to be included within the reserved forest.
- (b) setting forth the substance of the provisions of section 8
- (c) explaining the consequences which, as hereinafter provided will ensue on the reservation of such forest;
- (d) fixing a period of not less than six months from the date of the aforesaid proclamation, and requiring every person claiming any right in or over any portion or produce of the specified area to present to such officer within such period, a written notice specifying

the nature of the right claimed; to produce all documents in support of such right, and, if the claim is in respect of any compensation, to state the amount and particulars of such compensation.

The aforesaid proclamation shall be deemed to have been duly published in any town or village, when its receipt by the highest Revenue Officer of the town or village has been acknowledged in writing.

11. Enquiry by Forest Settlement Officer:- The Forest Settlement Officer shall take down in writing all statements made in connection with claims preferred, and shall further enquire into the existence of any rights, privileges, or concessions not claimed under section 10, so far as the same are ascertainable from Government records or from local enquiry and inspection. Any oral or written statement made with reference to any claim by the forest officer mentioned in section 7(c), shall be recorded and duly considered by the Forest Settlement Officer.

12. Enquiry by the Forest Settlement Officer how to be made:- The Forest Settlement Officer shall personally inquire into all claims preferred, at one or more centers in the vicinity of the area under settlement; and shall, where necessary, verify the claims by personal inspection.

Powers of Forest Settlement Officer:- For the purpose of such enquiry, the Forest Settlement Officer may exercise the following powers, namely:-

- (a) power to enter upon any land and survey, demarcate and make a map of the same, or to authorize any other officer to do so;
- (b) the powers of a Civil Court, in the investigation of claims;
- (c) the powers of the settlement of boundary disputes vested in Forest Settlement Officer under the rules for the time being in force.

13. Extinction of rights:- Rights in respect of which no claim has been preferred under section 10, and the existence of which has not been established by enquiry under section 11, shall be extinguished, unless before the publication under section 18, the person claiming such rights has satisfied the Forest Settlement Officer that he had sufficient cause for not preferring such claim, within the period fixed under section 10, in which case, the Forest Settlement Officer shall proceed to deal with the claim in the manner herein provided.

14. Disposal of claims to the land:- In the case of a claim to a right regarding any land other than a right of way or a right to pasture, forest

produce, water course, or use of water, the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part, and where the claim is admitted or recognized wholly or in part the Forest Settlement Officer may:-

- (a) exclude such land from the reserved area or,
- (b) come to an agreement with the owner thereof, for
- (c) proceed to acquire the land under the Hyderabad Land Acquisition Act No. IX of 1309 Fasli

For the purposes of so acquiring the land:-

- (a) the Forest Settlement Officer shall be deemed to be a Talukdar proceeding under the aforesaid Land Acquisition Act;
- (b) the claimant shall be deemed to be a person interested appearing before him in pursuance of a notice served on him under section 7 of that Act
- (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and
- (d) the Talukdar with the consent of the claimant, or the Court with the consent of both parties, may award compensation either by grant of rights in or over land or by payment of money or both.

15. Claims to right of way, water course, pasture or forest produce:- In the case of a claim to a right of way, or a right to water course, use of water, pasture or forest produce, the Forest Settlement Officer shall pass an order specifying such particulars of the claims as may be necessary to define the nature, incidents and extent of the right, and admitting or rejecting the claim wholly or in part.

Where a claim to any of the aforesaid rights is admitted, if the right is for the beneficial enjoyment of any land or buildings, the Forest Settlement Officer shall record the designation, position and area of such land or the designation and position of such buildings.

A copy of the order passed on every claim under this section or the last preceding section shall be furnished to the claimant by the Forest Settlement Officer and another copy thereof shall be forwarded to the Forest Officer who attended the enquiry or, if no such officer had been appointed, to the Assistant Conservator of Forests.

16. Appeal against order passed under Section 14 or 15:- Any person who has preferred a claim under this Act, or any Forest Officer or other person specially empowered by Government in this behalf, may within ninety days from the date of the order passed on such claim by the Forest Settlement Officer under section 14 or 15, present a written appeal from such order to the Subedar of the Division concerned; and the order passed by the Subedar on such appeal shall be final, being subject, however, to revision only by Government in the Revenue Department.

The petition of appeal may be delivered to the Forest Settlement Officer, who shall forthwith forward the same together his remarks thereon and the file of the case to the Subedar.

17. Appointment of pleader:- The Government or any person who has preferred a claim under this Act may appoint any person to appear, plead and act on their or his behalf before the Forest Settlement Officer or the appellate authority in any enquiry or appeal under this Act.

18. Notification regarding reservation of forests:- When the following events have occurred namely:-

- (a) the period fixed under section 10 for preferring claims has expired, and the claims (if any) made within such period have been disposed of by the Forest Settlement Officer; and
- (b) where such claims have been made, the period fixed by section 16 for appealing from the orders passed on such claims has expired and all appeals (if any) presented within such period have been disposed of by the appellate authority; and
- (c) the lands (if any) to be included in the proposed reserved forest, which the Forest Settlement Officer has under section 14 elected to acquire have become vested in the Government under section 13 of the Land Acquisition Act;

then, the Government may publish a notification in the Jareeda specifying the limits of the forest which it is intended to reserve and declaring the same to be reserved from a date to be fixed by such notification.

The Assistant Conservator of Forests shall, before the date so fixed, publish such notification in the manner prescribed for the proclamation under section 10 and shall submit for inclusion in the permanent record of the Forest Settlement officer, a list of the towns or villages in which the

notification was published supported by the receipts of the village officers to whom the same had been forwarded for publication.

From the date so fixed the forest shall be deemed to be a reserved forest.

19. Non-accrual of rights in reserved forests:- No right of any description shall be acquired in or over a reserved forest, except under a grant or contract in writing made by or on behalf of Government, or on behalf of some person in whom such right, or the power to create such right was vested by the notification published under section 18 or by succession.

Provided that no Patta shall without the previous sanction of Government be granted for any land included within a reserved forest, and every Patta granted without such sanction shall be null and void.

20. Rights continued under section 15 not alienable without sanction:- (1) Notwithstanding anything herein contained no right continued under section 15 shall irrespective of title to the property involved (if any) be alienated by way of grant, sale, mortgage or otherwise without the sanction of Government.

Provided that where any such right is in respect of any land or buildings, it may be alienated with such land or buildings without such sanction.

- (2) Where any right is alienated under this section the alienee shall be entitled to such right, only to the extent admitted under section 15,
- (3) Any right alienated in contravention of the provisions of this section shall be void; and the person so alienating the right shall be punished with fine which may extend to one hundred rupees.

21. Power to close ways and water courses in reserved forests:- The Assistant Conservator of Forests may with the previous sanction of Government stop any public way or private way or watercourse in a reserved forest; provided that a reasonably convenient substitute for the way or water course so stopped, already exists or has been provided in lieu thereof.

22. Penalties for trespass or damage in reserved forests, and acts prohibited in such forests:- Any person who willfully:-

- (a) makes any fresh clearing prohibited by section 8, or
- (b) sets fire to a reserved forest, or kindles or leaves burning any fire in such manner as to endanger the same, or

- (c) who in a reserved forest kindles, keeps or carries any fire except at such seasons and in such manner as the Assistant Conservator of Forests may from time to time notify; or
- (d) trespasses, or pastures, cattle or sheep, or permits cattle or sheep to trespass; or,
- (e) fells, girdles, marks, lops, taps, uproots or burns any tree, or strips off the bark from, or otherwise damages the same; provided that this sub section shall not apply to cases where the bark or any other part of a tree is taken for medicinal purposes.
- (f) quarries stone or mooram, burns timber or charcoal, or collects, subjects to any manufacturing process, or removes forest produce;
- (g) clears or ploughs any land for cultivation or any other purpose;
- (h) in contravention of any orders of Government, hunts, shoots, fishes, poisons water or sets traps or snares,
- (i) damages, alters or removes any wall, ditch, embankment, hedge or fence; or constructs any wall or building; or,
- (j) obstructs or diverts any water course,

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, in addition to such compensation for damages done to the forest as the convicting Court may order to be paid. The fine and imprisonment may be doubled in case of a second or subsequent offence, or when such offence is committed after sunset and before sunrise, or when resistance is offered to competent authorities.

Nothing contained in this section shall be deemed to affect—

- (a) any act done by order of His Exalted Highness' Government, or by permission in writing of the Assistant Conservator of Forests, or of an officer authorized by him to grant such permission;
- (b) the exercise of any right continued under section 15, or created by grant or contract in the manner described by section 19;

Provided that this section shall not be held to interfere with such working of the forests as may be ordered by the Assistant Conservator of Forests.

23. Suspension of rights in reserved forests:- Whenever a fire is willfully or negligently caused in a reserved forest, the Government may for

the benefit of the forest direct that in such forest the exercise of all rights of pasture or to forest produce shall be suspended for such period as they think fit.

24. Persons bound to assist Forest and Police Officers:- Every person who exercises any right in a reserved forest or who is permitted to take any forest produce from or to cut and remove timber, or to pasture cattle in, such forest; and every person who is employed by any such person in such forest; and every village officer or person in any village contiguous to such forest who is employed by Government— shall be bound to furnish without unnecessary delay to the nearest forest officer, or Police station-house officer, or Revenue Officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention or attempt to commit, any forest offence; and shall assist any Forest Officer, Police Officer or Revenue Officer demanding his aid —

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest, from spreading to such forest;
- (c) in preventing the commission in such forest of any forest offence;
- (d) when there is reason to believe that any such offence has been committed in such forest in detecting such offence and arresting the offender.

25. Power to declare forest no longer reserved:- The Government may by notification in the Jareeda direct that from a date to be fixed by such notification any forest or any portion thereof shall cease to be reserved forest.

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.

CHAPTER III

Village Forests

26. Report to be made regarding constitution of village forests:- Whenever it is proposed to set apart any forest area, not included in a

reserved forest, for the supply of village requirements, the Government may depute any officer to inspect and report on the area available for constitution as village forest.

27. Matters to be detailed in report:- (1) The officer so appointed shall proclaim in the villages concerned the purpose of his appointment and with the Assistant Conservator of Forests shall hold a local joint inquiry, hearing such protests, if any, as may be put forward. On the close of such inquiry, the said officer shall submit to the Conservator of Forests, through the Talukdar and the Subedar concerned, a report and a plan of the proposed village forest accompanied by a boundary description and a statement giving the following details:-

- (1) Name of village;
- (2) Total area;
- (3) Cultivated area;
- (4) Unoccupied waste and forest area;
- (5) Population;
- (6) No. of cattle;
- (7) No. of sheep;
- (8) Area of proposed village forest.

(2) Upon submission of a report under sub-section (1), the Conservator of Forests shall publish a notification in the Jareeda, describing the extent of the area proposed to be constituted as village forest.

28. Conservator of Forests' power to order alteration of proposals and call for further particulars:- The Conservator of Forests after scrutinizing the proposals contained in the aforesaid report, may return the report to the officer appointed under section 26 for making such alterations as may appear to be desirable, and may call for any further information he requires;

And the said officer shall re-submit the report with the necessary alterations or with his remarks.

29. Submission of proposals to Government:- When the proposals are complete, the Conservator of Forests shall submit the same to Government with his recommendations.

30. Notification regarding village forest:- The Government may publish a notification in the Jareeda specifying the boundaries of the proposed village forest and declaring the same to be a village forest from a fixed date; and such notification may be altered or cancelled by like notification.

31. Prohibition of acts after publication of notification under section 27:- From the date of proclamation under section 27(2) no new right shall be acquired in or over the proposed village forest, nor shall any patta be issued for any portion of such forest or fresh clearing made on the same for cultivation or any other purpose.

32. Acts prohibited within village forests and penalty for contravention:- With effect from the date fixed by notification under section 30, the penal provisions of section 22 shall apply to village forest; but the term of imprisonment and the amount of fine shall not exceed one month and fifty rupees respectively.

33. Power to make rules for village forests:- The Government may make rules to regulate the use of the pasturage and forest produce in village forests; such rules among other things may:-

- (1) prescribe the amount payable to Government by each village annually and the manner in which such amount is to be collected;
- (2) appoint a committee for the management of village forests, and define duties of such committee;
- (3) prescribe the system of management to be followed and the control to be exercised by the Forest Department;
- (4) prescribe penalties for breach of rules made under this section, including extinction of the right of management in case of continued neglect of duties prescribed by foregoing clauses (2) and (3).

CHAPTER IV

Protection of lands at the disposal of Government, not included in Reserve or Village Forests

34. Power to make rules:- 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 use 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 the removal of natural produce;
- (d) regulate or prohibit the quarrying of stones, the boiling of catechu or the burning of lime or 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 or grazing;
- (f) regulate the sale or free grant of 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 a 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.

35. 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 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, they may direct that such rights shall for such period be suspended.

36. Penalty for contravention of orders passed under section

35:- Whoever pastures cattle, or permits cattle to trespass on any land closed to pasture under section 35 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.

37. Application by owners of land for formation of forests:- The owner of any land, or if there be several owners thereof, two-thirds the

number of such owners, may, with a view to the formation or conservation of forests on such land represent in writing to the Conservator of Forests their desire:-

- (a) that such land be managed (on their behalf) by the Forest department as a reserved forest, on such terms as may be prescribed; or
- (b) that such land be managed subject to the control of the Conservator of Forests, by a person appointed by themselves and approved by the Conservator; or
- (c) that all or any of the provisions of this Act or the rules made thereunder be extended to such land

If the Government deem fit to entertain such representation, they may, after considering the protests, (if any) that may be put forward extend to such land, by notification, such provisions of this Act and such of the rules made thereunder as may be considered desirable.

38. Management of forests jointly held by Government and private persons:- If the Government and any other person or persons are jointly interested in any forest, not being a reserved forest, or in any 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 or persons for his or their share in the same; or
- (b) cause the management of such forest, waste land or produce to be undertaken by the persons so jointly interested in such manner as the Government deem proper in the interests of all the parties concerned.

When the Government undertake under clause (a) of this section, the management of any forest, waste land or produce, they may, by notification declare that the provisions contained in Chapters II and III of this Act shall apply to such forest, waste land or produce; and thereupon the said provisions shall apply accordingly.

39. Persons employed to carry out the provisions of the Act to be deemed Forest Officers:- All persons employed under section 37 and 38 to carry out the provisions of this Act shall be deemed to be "Forest Officers" within the meaning of this Act.

CHAPTER V

Control of Forest Produce in transit

40. Power to make rules to control transit of Forest Produce:-

The Government may make such rules as may appear to be necessary to regulate the transit of all or certain classes of forest produce within local limits. Such rules may. Among other matters;

- (a) prescribe the routes by which Irsali timber and other dutiable forest produce may pass through His Exalted Highness' Dominions;
- (b) determine the varieties of Irsali timber and other dutiable forest produce which shall not pass by any route without a permit;
- (c) provide for drawing up and issuing of permits and for the marking of forest produce;
- (d) provide for the detention of all Irsali timber or other dutiable forest produce passing without a permit or without the prescribed marks, until recovery of the duty and penalty leviable thereon.

Provided that, where the detention of such timber or forest produce for more than a day is deemed necessary, a receipt for the material so detained shall be issued;

- (e) provide for the establishment of stations to which Irsali timber and other dutiable forest produce shall be taken for examination, marking and levy of duty;
- (f) provide for the supervision of channels and banks of rivers used for the transit of Irsali timber or other dutiable forest produce and prohibit the commission of every act likely to close or obstruct such channels or banks;
- (g) authorize the transport of such forest produce as is the property of Government across any land and provide for the payment of compensation for any damage done by the transport of such forest produce;
- (h) provide for the protection of bridges, locks and other public works and the floating of forest produce and the storing of forest produce on river banks and the seizure of forest produce floating or stored in contravention of rules or by which any damage to such bridges, and other works may have been caused and its detention until compensation has been made for the damage done;

- (i) regulate the use of property marks for timber and the 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.

41. Penalty for breach of rules made under section 40:- The Government may, by rules made under the last preceding section 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.

In cases where the offence is committed after sunset and before sunrise or after making preparation for resisting execution of any law or legal process or where the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalty prescribed for such offence.

CHAPTER VI

Penalties and Procedure

42. Seizure of property liable to confiscation:- When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or forest produce together with all tools, ropes, chains, boats, carts, cattle and sheep used in committing such offence may be seized by any Forest, Police or Revenue Officer provided that any animal so seized shall, on production of reliable security, be released and a receipt obtained for the same.

Every Officer seizing any property under this section may place on such property or on the receptacle (if any) in which it is contained a mark indicating that the same has been seized; and shall within twenty-four hours reckoned after making allowance for the time actually taken in transit make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

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

43. Subsequent procedure:- Upon the receipt of 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.

44. Timber, forest-produce, tools etc. when liable for confiscation:- When any person is convicted of a forest offence all timber or forest produce in respect to which such offence has been committed shall be liable to confiscation and if such timber or forest produce be the property of Government, it shall be delivered to the Forest authorities in accordance with the provisions of section 48.

45. Procedure when offender is not known or not to be found:- When the offender is not known or cannot be found, the Magistrate if he is of the opinion that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be taken possession of, by, or under the authority of the Assistant Conservator of Forests or to be made over to any other 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 date of seizing such property or without hearing the person (if any) claiming any right thereto, or the evidence (if any) which he may produce in support of his claim. The Magistrate shall cause a notice of any application under this section to be served upon any person who, he has reason to believe, is interested in the property seized; or shall publish such notice in any way which he thinks fit.

46. Procedure as to perishable articles seized under section 42:- The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 42 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property, had it not been sold.

In emergent cases similar action may be taken by any Forest Officer not below the rank of Ranger.

47. Appeals:- Any order passed under section 43 and 44 shall be appealable.

48. Property when to vest in Government:- When in respect to any property an order has been passed under section 43 or 44 and against such order no appeal has been presented within the period fixed for the same, or an appeal if so presented, has been disposed of, the property shall be deemed to vest in the Government.

49. Power to release property seized:- Nothing hereinbefore contained shall be deemed to prevent the Assistant Conservator of Forests from directing at any time, the immediate release of any property seized under section 42 and the withdrawal of any charge made in respect of such property.

50. Penalty for defacing and counterfeiting marks on trees and timber and for altering boundary marks:- Whoever with intent to cause Government or any person wrongful loss or wrongful gain as defined in the Hyderabad Penal Code:-

- (a) knowingly counterfeits upon any timber or standing tree mark used by Forest officers to indicate that such timber or tree is the property of Government or of some person, or that it may be lawfully cut or removed by some person; or
- (b) unlawfully affixes to any timber or standing tree a mark used by Forest Officers; or
- (c) alters, defaces, or obliterates any such mark placed on any timber or standing tree under the authority of a Forest Officer; or
- (d) alters, defaces, destroys or removes any boundary mark of any forest or any land to which any 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.

51. Power to arrest without warrant:- Any Forest Officer, Police Officer, or Revenue Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards if such person refuses to give his name and residence or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that such person will abscond.

Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested to the nearest Police station, and the officer in charge such station shall thereupon act according to law.

52. Punishment for wrongful seizure or arrest:- Any Forest Officer, Police Officer or Revenue Officer who vexatiously seizes any property on

pretence of seizing property liable to confiscation under this Act, or who vexatiously and unnecessarily arrest any person, shall be punished with imprisonment for a term which may extend to two year or with fine which may extend to one thousand rupees or both.

53. Power to prevent commission of offence:- Every Forest Officer, Police Officer or Revenue Officer, shall prevent and may interfere for the purpose of preventing the commission of any forest offence.

54. procedure when act is punishable under several laws:- Nothing herein contained shall be deemed to prevent any person from being dealt with under any other law for the time being in force for acts which constitute forest offences if such acts are also punishable by such other law; provided that no person shall be punished twice for the same offence.

55. Power to compound offences:- Any Forest Officer especially empowered in this behalf, may accept from any person reasonably suspected of having committed any forest offence other than an offence under section 50 or 52, a sum of money by way of compensation for the offence which may have been committed; and may release such of the property seized (if any) as may not be the property of the Government.

On payment of such sum of money to such officer, the accused person if in custody shall be discharged and no further proceedings shall be taken against such person.

56. Presumptions as to timber and forest produce being Government property:- 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 Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

57. Bail able Offences:- All offences under this Act shall be bailable.

CHAPTER VII

Cattle-trespass

58. Impounding of cattle:- Cattle trespassing in a reserved forest or on lands on which the grazing of cattle has been prohibited by rules made under section 34 or which have been closed to grazing under section 35, may be seized and impounded in a Government cattle-pound by any Forest Officer, Police Officer or Revenue Officer.

59. Levy of fines:- The Government may, by notification, direct that for each head of cattle impounded under section 58 such fines shall be levied as the Government may by rules prescribe.

CHAPTER VIII

Forest Officers

60. Government may invest Forest Officers with powers: The Government may invest any Forest Officer by name or by virtue of his office with any of the following powers, that is to say:-

- (a) the powers of the Boundary Settlement Officer;
- (b) the powers of a Civil Court to compel the attendance of witness and the production of document;
- (c) the power to hold inquiries into forest offences and in the course of such inquiries to receive and record evidence;
- (d) the power to accept compensation for forest offences under section 55; and,
- (e) the power to conduct cases in Courts;

61. Indemnity for acts done in good faith:- No Civil suit or criminal prosecution shall lie against any Government servant for anything done in good faith under this Act.

62. Forest Officers not to trade:- No Forest Officer shall, as principal or agent, trade in timber, or forest produce, or be or become interested in any lease, or mortgage of any forest or in any contract for working any forest.

CHAPTER IX

Miscellaneous

63. Power to make rules:- The Government may make and publish by notification, rules for the purpose of this Act. Such rules may, among other matters:-

- (a) declare by what Forest Officer the powers or duties conferred or imposed by this Act shall be exercised or performed;
- (b) prescribe the procedure of forest settlement;
- (c) regulated the rewards to be paid to officers and informers;
- (d) provide for the preservation, reproduction and disposal of trees, timber and forest produce belonging to Government.

64. Recovery of money Due to Government:- All money other than fines, payable to the Government under this Act or any rules made there under or on account of timber or forest produce or of expenses incurred in the execution of this Act in respect of timber to forest produce, 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 it were an arrear of land revenue.

65. Lien on forest produce pending payment of dues under section 64:- When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed a first charge on such produce; and, if such amount be not paid when due, the forest produce may be taken possession of by order of the Assistant Conservator of Forests, and may be retained until such amount has been paid; or the said Forest Officer may sell such produce by public auction and in that case the proceeds of the sale shall be applied first in discharging such amount; and the surplus (if any) shall be paid to the person entitled thereto.

If in spite of having been served with a notice the person to whom such surplus amount is payable fails to receive payment thereof within one year from the date of the notice, the amount shall be forfeited to Government unless such failure is for any special reason pardoned by the Government.

66. Land acquired under this Act to be deemed to be required for public purpose under the Land Acquisition Act:- Whenever it appears to Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a Government or public purpose under the Land Acquisition Act, No.IX of 1309 Fasli.

VIII. THE HYDERABAD FOREST ACT, 1355 F

Act No. 11 of 1355 F.

(Passed by the Hyderabad Legislature)

RECEIVED THE ASSENT OF H.E.H. THE NIZAM

4th Zilhejja 1364 H

On -----

6TH DAI 1355 F.

Whereas it is expedient to consolidate and amend the law relating to forests in H.E.H., the Nizam's Dominions, the transit of forest produce and the duty leviable on timber and other forest produce, it is hereby enacted as follows:—

CHAPTER I PRELIMINARY

1. Short title and extent:— (1) This Act may be called the Hyderabad Forest Act of 1355 F., and shall come into force from the date of its publication in the *Jareeda* in the whole of H.E.H., the Nizam's Dominions.

(2) The Government may, by notification in the *Jareeda*, exempt any area from the operation of the whole or any portion of this Act and may, in like manner, vary or cancel such notification.

2. Interpretation Clause:— In this Act unless there be anything repugnant in the subject or context:—

(1) "*Forest Settlement Officer*" means an officer appointed under Section 4;

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

(3) "*tree*" includes bamboos, stumps, brushwood and canes;

(4) "*timber*" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hallowed out or not;

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

- (a) timber, charcoal, rubber, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds and myrobalans, and
- (b) the following when found in, or brought from a forest, that is to say:—
 - (i) trees, leaves, flowers, fruits and all other parts and produce not hereinbefore mentioned, of trees,
 - (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts and produce of such plants,
 - (iii) wild animals, skins, tusks, horns, bones, silk cocoons, honey, wax, and all other parts of produce of animals, and
 - (iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines and quarries).
- (6) “*forest offence*” means any offence punishable under this Act or any rule made thereunder ;
- (7) “*cattle*” includes elephants, camels, oxen, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids ; and
- (8) “*river*” includes streams, canals and other channels, natural or artificial.

CHAPTER II OF RESERVED FORESTS

3. Power to constitute Reserved Forests:— The Government may constitute any land over which forest rights are vested in the Government or to the whole or any part of the forest produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by Government:— (1) Whenever it has been decided to constitute any land a reserved forest, the Government shall publish a notification in the *Jareeda*:—

- (a) declaring that it is proposed to constitute such a land a reserved forest ;
- (b) specifying, as nearly as possible, the situation and limits of such land ; and

(c) appointing an officer (hereinafter called “the Forest Settlement Officer”) to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land or forest produce comprised within such limits, and to deal with the same as provided in this Chapter.

(2) Nothing in this section shall prevent the Government from appointing a Committee consisting of 3 or less than 3 officers, not more than one of whom shall be a person holding any forest office, to perform the duties of a Forest Settlement Officer for the purposes of this section.

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

6. Proclamation by Forest Settlement Officer:— When a notification has been issued under Section 4, the Forest Settlement Officer shall publish in Urdu and in the local vernacular in every town and village and at the headquarters of the Taluqa in which any portion of land comprised therein, a proclamation:—

- (a) specifying, as nearly as possible, the situation and limits of the land desired to be constituted a reserved forest ;
- (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest ; and
- (c) fixing a period of not less than four months from the date of the aforesaid proclamation, and requiring every person claiming any right mentioned in Section 4 or Section 5 to present to such officer within such period, a written notice specifying the nature of the right claimed, or to appear before him and state the nature of such right and the amount and particulars of such compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement Officer:— The Forest Settlement Officer shall take down in writing all statements made under Section 6 and shall, at some convenient place, inquire into all claims preferred under that

section, and the existence of any rights mentioned in Section 4 or Section 5 and not claimed under Section 6 so far as the same may be ascertainable from Government records and the evidence of any person likely to be acquainted with the same.

8. Power of Forest Settlement Officer:— For the purpose of such inquiry, the Forest Settlement Officer may exercise the following powers:—

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

9. Extinction of rights:— Rights in respect of which no claim has been preferred under Section 6 and 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 he had sufficient cause for not preferring such claim, within the period fixed under Section 6.

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

- (a) exclude such land from the limits of the proposed reserved forest; or
- (b) come to an agreement with the owner thereof, for the surrender of his rights ; or
- (c) proceed to acquire such land in the manner provided by the Land Acquisition Act.

(2) For the purpose of so acquiring such land—

- (a) the Forest Settlement Officer shall be deemed to be a Taluqdar proceeding under the Land Acquisition Act;
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice served on him under Section 7 of that Act ;

- (c) the provisions of Section 7 and the preceding sections of that Act shall be deemed to have been complied with ; and the Taluqdar, with the consent of the claimant, or as provided by the Land Acquisition Act, the Court, with the consent of both parties, may award compensation in land, or in money, or partly in land and partly in money.

11. Order on claims to rights of way, water-course, pasture or to forest produce:— (1) In the case of claim to rights of pasture or to forest produce, the Forest Settlement Officer shall pass an order admitting or rejecting the claim in whole or in part.

(2) Where a claim to any of the aforesaid rights is admitted, and 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 forwarded to the Forest Officer who attended the inquiry, or if no such officer has been appointed to the Divisional Forest Officer.

12. Record to be made by the Forest Settlement Officer:— The Forest Settlement Officer, when passing any order under Section 11, 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 fields, and the designation and position of all buildings in respect of which the exercise of such right is claimed.

13. Record when claims admitted:— If the Forest Settlement Officer admits in whole or in part any claim under Section 11, he shall also 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 such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest produce obtained by the exercise of the rights claimed may be sold or bartered.

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

(2) For this purpose the Forest Settlement Officer may—

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

15. Commutation of rights:— In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14 as shall ensure the continued exercise of the said rights to the extent admitted, he shall, subject to such rules as the Government may make in this behalf, commute such rights, by the payment to the claimants of a sum of money in lieu thereof, or by the grant of land, or such other manner as he thinks fit.

16. Appeal from order passed under Section 10 or Section 11:— Any person who has made a claim under this Act, or any officer or other person generally or specially empowered by the Government in this behalf, may present a petition of appeal in writing from the order passed by the Forest Settlement Officer in the following manner -

- (a) within 60 days from the date of the order passed by the Forest Settlement Officer under Section 10, an appeal may be preferred to the forest Court constituted under Section 17 and if no such Court is constituted, to the Subedar. The order passed by such Court or the Subedar on such appeal shall be final, subject only to revision by Government in the Revenue Department in the

case of Subedar only. If the Forest Court or the Subedar decides that the claim or such part thereof as has been rejected should be admitted, the Forest Settlement Officer shall proceed to deal with it in like 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, an appeal may be preferred against such order to the Forest Court constituted under Section 17 and if no such Court is constituted, to the Subedar. The order passed by such Court or the Subedar on such appeal shall be final, subject only to revision by Government in the Revenue Department in the case of Subedar only. In disposing of such appeals the Forest Court or the Subedar shall be guided by the provisions contained in Section 21.

17. The Forest Court:— (1) A Forest Court may be appointed by the Government to hear appeals from time to time, as occasion arises, and shall be constituted in the following manner ;

- (i) the Sessions Judge of the Division in which any portion of the land, the rights in or over which are in dispute, is situated ;
- (ii) the Taluqdar of the District in which or from among those Districts in which any portion of the land, the rights in or over which are in dispute, is situated, the Taluqdar of any one of such District.
- (iii) a Forest Officer specially selected by the Government not below the rank of a Conservator.

(2) The Sessions Judge 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. The members of the Court may be appointed by name or as holding an office.

(3) For the hearing of appeals the Forest Court shall fix a date and shall fix a convenient place in the neighbourhood 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 usage having the force of law, or the construction of a document affecting the merits of the case, shall arise on which the Court entertains reasonable doubts, the Court shall 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 Forest Court to make such reference to the High Court if the question involves any principle of general importance or affects the rights of a particular class.

(4) At the conclusion of the inquiry, and if a reference has been made after the receipt of the order of the High Court upon the reference, 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. In case of majority not being obtained the order passed in terms of the opinion of the President shall prevail.

18. Appointment of a Pleader:— The Government or any person who has made a claim under this Act may appoint any person to appear, plead and act on their or his behalf before the Forest Settlement Officer, the appellate officer or Court in the course of any inquiry or appeal under this Act.

19. Notification declaring forest reserved:— (1) When the following events have occurred:—

- (a) the period fixed under Section 6 for preferring claims has expired, and the claims made within such period have been disposed of by the Forest Settlement Officer ;
- (b) where such claims have been made, the period fixed by Section 16 for appeal from the orders passed on such claims has expired and all appeals presented within such period have been disposed of by the officer or Court ; and
- (c) all lands to be included in the proposed reserved forest, which the Forest Settlement Officer has under Section 10 elected to acquire under the Land Acquisition Act have become vested in the Government under Section 13 of the said Act,

the Government shall publish a notification specifying definitely according to boundary marks erected or otherwise the limits of the forest which is to be reserved and declaring the same to be reserved from a date fixed by the notification.

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

20. Power to revise arrangement made under Section 10 or Section 11:— After the expiry of 5 years from the publication of notification under Section 19, the Government shall have no power to revise the arrangements made under Section 10 or Section 11 or to commute the rights admitted by other rights or concessions ; provided that nothing herein contained shall in any way affect the rights of the Government under the Land Acquisition Act.

21. No right shall be acquired over reserved forest except as here provided:— No right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by on behalf of the Government or on behalf of some person in whom such right was vested when the notification under Section 19 was issued.

22. Rights continued under Section 14 not alienable without sanction:— (1) Notwithstanding anything contained in Section 21, no right continued under Clause (c) of sub-section (2) of Section 14 shall be alienated by way of grant, sale, mortgage or otherwise without the sanction of the Government :

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

(2) No timber or other forest produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under Section 13.

23. Power to stop ways and water-courses in reserved forest:— The Divisional Forest Officer may, with the sanction of the Government, stop any public way or private way or water-course in a reserved forest provided that a substitute for such way or water-course so stopped, which the Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Divisional Forest Officer in lieu thereof.

24. Acts prohibited in reserved forests:— (1) Any person who—

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

- (c) kindles, keeps or carries any fire except at such seasons as the Forest Officer may notify in this behalf ; or
- (d) trespasses or pastures cattle, or permits cattle to trespass ; or
- (e) causes any damage by negligence in felling or cutting any tree or dragging any timber ; or
- (f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same ; or
- (g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes, any forest produce ; or
- (h) clears or breaks up any land for cultivation or any other purpose; or
- (i) in contravention of any rules made in this behalf by the Government hunts, shoots, fishes, poisons water or sets traps or snares ;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit:—

- (a) any act done by permission in writing of the Forest Officer, or under any rule made by the Government ; or
- (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.

25. Suspension of rights in reserved forests:— Whenever a fire is caused wilfully or by gross negligence in a reserved forest, the Government may direct that in such forest the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

26. Persons bound to assist Forest or Police Officers:— (1) Every person who exercises any right in a reserved or protected forest or who is permitted to take any forest produce from or to cut and remove

timber, or to pasture cattle, in such forest ; and every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish, without unnecessary delay, to the nearest Forest or Police Officer any information he may possess respecting the commission of, or intention to commit any forest offence, and shall forthwith take steps, whether so required by Forest or Police Officer or not--

- (a) to extinguish any forest fire in such forest of which he has knowledge or information ;
 - (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest ;
- and shall assist any Forest Officer or Police Officer demanding his aid:—
- (c) in preventing the commission in such forest of any forest offence; and
 - (d) when there is reason to believe that any 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 furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1);
- (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest ;
- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest ; or
- (d) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender,

shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

27. Power to declare forests no longer reserved:— (1) The Government may, by notification in the *Jareeda* direct that from a date to be fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

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

CHAPTER III OF VILLAGE FORESTS

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

(2) The Government may also set apart any specified forest area not included in a reserved forest for the supply of village requirements and by notification in the *Jareeda*, declare such area to be a village forest from the date specified in the *Jareeda* and may cancel such notification in like manner. Such notification shall be published in the *Jareeda* after giving local publicity.

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

(4) From the date of a notification under sub-section (2) no right shall be acquired in or over the area constituted as a village forest nor shall be issued *patta* for any portion of such forest or forest clearing made in the same 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 so made, apply to village forests.

CHAPTER IV OF PROTECTED FORESTS

29. Protected Forests:— (1) The Government may, by notification in the *Jareeda*, declare the provisions of this Chapter applicable to any forest land or waste land which is not included in a reserved forest, but

which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.

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

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

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

30. Power to issue notification reserving trees, etc.:— The Government may, by notification in the *Jareeda*—

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification ;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed ; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest produce in any such forest and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

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

32. Power to make rules for protected forests:— The Government may make rules to regulate the following matters:—

- (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest produce, from protected forests ;
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest produce for their own use, and the production and return of such licences by such persons ;
- (c) the granting of licences to persons felling or removing trees or timber or other forest produce from such forests for the purpose of trade, and the production and return of such licences by such persons.
- (d) the payments to be made by the persons mentioned in Clauses (b) and (c) to cut such trees, or to remove such trees, timber or other forest produce ;
- (e) the other payments to be made by persons mentioned in Clauses (b) and (c) in respect of such trees, timber or other forest produce, and the places where such payments shall be made ;
- (f) the examination of forest produce passing out of such forests ;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests ;
- (h) the protection from fire of timber lying in such forests, or trees reserved under Section 30.
- (i) the cutting of grass and pasturing of cattle in such forests ;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests ;
- (k) the protection and management of any portion of a forest closed under Section 30, and
- (l) the exercise of rights referred to in Section 29.

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

- (a) fells, girdles, lops, taps or burns any tree reserved under Section 30 or strips off the bark or leaves from, or otherwise damages, any such tree ;
 - (b) contrary to any prohibition under Section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce ;
 - (c) contrary to any prohibition under Section 30, breaks up or clears for cultivation or any other purpose any land in any protected forests ;
 - (d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under Section 30, whether standing, fallen or felled, or to any closed portion of such forest ;
 - (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion ;
 - (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid ;
 - (g) permits cattle to damage any such tree ; or
 - (h) infringes any rule made under Section 32 ; shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.
- (2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest produce shall be suspended for such period as it thinks fit.

34. Nothing in this chapter to prohibit acts done in certain cases:— Nothing in this chapter shall be deemed to prohibit any act done with the permission in writing of the Forest Officer, or except as regards any portion of a forest closed under Section 30, or as regards any rights the exercise of which has been suspended under Section 33, in the exercise of any rights recorded under Section 29.

CHAPTER V

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

35. Protection of forests for special purposes:— (1) The Government may by notification in the Jareeda, require the owners of any forest or waste land to regulate or prohibit therein:—

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

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

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

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

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

36. Power to assume management of forests:— (1) In the case of neglect of, or wilful disobedience to any prohibition or orders issued under

Section 35, or if the purpose of any work to be constructed under that section so require, the Government may, after notice in writing to the owner of such forest or land and after considering his objections, place the same under the control of a Forest Officer, and may declare that all or any of the provisions of this Act relating to reserved 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 said owner.

(3) Such forest or waste land shall be restored to the owner thereof after such period and subject to such conditions as the Government may think fit.

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

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

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

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

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

(2) In either case, the Government may, by notification in the Jareeda apply to such land such provision of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI

OF THE CONTROL OVER FORESTS JOINTLY HELD BY THE
GOVERNMENT AND OTHER PERSONS

39. Management of forest jointly held by Government and other person:— (1) If the Government and any other person be jointly interested in any forest or in any 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) cause the management of such forest, waste land or produce to be undertaken by the person or persons so jointly interested in such manner as the Government may deem proper in the interests of all the parties concerned.

(2) When the Government undertakes under Clause (a) of sub-section (1) the management of any forest, waste land or produce, it may, by notification in the Jareeda, declare that the provisions contained in Chapters II and IV shall apply to such forest, waste land or produce ; and thereupon the said provisions shall apply accordingly.

40. Persons employed to carry out the provisions of the Act to be deemed Forest Officers:— All persons employed under Clause (b) of sub-section (1) of Section 39 or to carry out the provisions of this Act shall be deemed to be Forest Officers within the meaning of this Act.

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

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

CHAPTER VII

OF THE DUTY ON TIMBER AND OTHER FOREST PRODUCE

42. Power to impose 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 declare by notification in the Jareeda on all timber or other forest produce:—

- (a) which is produced in H.E.H., the Nizam's Dominions, and in respect of which the Government has any right ;
- (b) which is brought from any place outside H.E.H., the Nizam's Dominions.

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

CHAPTER VIII
OF THE CONTROL OF TIMBER AND OTHER
FOREST PRODUCE IN TRANSIT

44. Power to make rules to regulate transit of forest produce:—

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

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

- (a) prescribe the routes by which alone timber or other forest produce may be imported, exported or moved into, from or within the Dominions ;
- (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass ;
- (c) provide for the issue, production and return of such passes and for the payment of fees therefor;

- (d) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purpose of this Act to affix a mark ;
- (e) provide for the establishment and regulation of depots to which such timber or other forest produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed on it ; and the conditions under which such timber or other forest produce shall be brought to, stored at and removed from such depots ;
- (f) prohibit the closing up or obstructing of the channel or banks of any river used for transit of timber or other forest produce and the throwing of grass, brush-wood, branches or leaves into any such river to be closed or obstructed ;
- (g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same ;
- (h) prohibit absolutely or subject to conditions within specified local limits, the establishment of saw pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber ;
- (i) regulate the use of property marks for timber, and the registration of such marks ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, provide for the levy of fees for such registration.

(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.

45. Penalty for breach of rules made under Section 44:—

- (1) The Government may prescribe as penalties for the contravention of any rule made under Section 44 thereof imprisonment for a term which may

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

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

46. Government and Forest Officers not liable for damage to forest produce at depot:— The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at depots 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.

47. All persons bound to aid in case of accident at depot:— In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER IX

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

48. Certain kinds of timber to be deemed property of Government until title thereto proved and may be collected accordingly:— (1) All timber found adrift, breached, stranded or sunk, all wood or timber bearing marks which have not been registered in accordance with rules made under Section 44, or on which the marks have been obliterated, altered or defaced by fire or otherwise ; and in such areas as the Government directs, all unmarked wood and timber, shall be deemed to be the property of Government unless and until any person established his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under Section 54, and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

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

49. Notice to claimants of drift timber:— Public notice shall, from time to time, be given by the Forest Officer of timber collected under Section 48. Such notices shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

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

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

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

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

51. Disposal of unclaimed timber:— If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under Section 49, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by Section 50, the ownership of such timber shall vest in the Government or, when such timber has been delivered to another person under Section 50, in such other person free from all encumbrances not created by him.

52. Government and its officers not liable for damage to such timber:— The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under Section 48, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

53. Payment to be made by claimant before timber is delivered to him:— No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rules made under Section 54.

54. Power to make rules and prescribe penalties:— (1) The Government may make rules, to regulate the following matters:—

- (a) the salving, collection and disposal of all timber mentioned in Section 48 ;
- (b) the use and registration of boats used in salving and collecting timber ;
- (c) the amount to be paid for salving, collecting, moving, storing or disposal of such timber ;
- (d) the use and registration of hammers and other instruments to be used for marking such timber.

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

CHAPTER X OF PENALTIES AND PROCEDURE

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, such produce together with all tools, ropes, chains, boats, motor cars, lorries, carts, cattle used in committing such offence may be seized by any Forest Officer or Police Officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized ; and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

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

56. Power to release property seized under Section 55:— Any Forest Officer of a rank not inferior to that of Ranger who, or whose subordinate has seized any property under Section 55, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

57. Procedure thereupon:— Upon the receipt of such report, the Magistrate with all convenient despatch, take such measure as may be necessary for the arrest and trial of the accused and the disposal of property according to law.

58. Forest produce, tools, etc., when liable to confiscation:—
(1) All timber of forest produce which is not the property of 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.

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

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

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

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

61. Procedure as to perishable articles seized under Section 55:—

(1) The Magistrate may, notwithstanding anything hereinbefore contained,

direct the sale of any perishable property seized under Section 55 and may deal with the proceeds as he would have dealt with such property, if it had not been sold.

(2) If any property which a Forest Officer not below the rank of a Ranger, has taken charge under Section 60, be of a perishable nature he may direct the sale thereof in like manner.

62. Appeal from order under Section 58, Section 59 or Section 60:— The officer who made the seizure under Section 55 or any of his official superior, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under Section 58, Section 59 or 60 appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

63. Property when to vest in Government:— When in respect to any property an order has been passed under Section 58 or 60, and against such order no appeal has been presented within the period fixed for the same, or such order has been confirmed on appeal, the property shall vest in the Government free from all encumbrances.

64. Power to release property seized:— Nothing hereinbefore contained shall be deemed to prevent any Forest Officer authorized by the Government in this behalf from directing the immediate release of any property seized under Section 55.

65. Punishment for wrongful seizure:— Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

66. Penalty for defacing and counterfeiting marks on trees and timber and for altering boundary marks:— Whoever, with intent to cause damage or injury to the public or any person or to cause wrongful loss or wrongful gain as defined in the Asafia Penal Code:—

(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 Government or of some person, or that it may lawfully be cut or removed by some person ; or

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

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

(d) alters, defaces, destroys or removes any boundary mark of any forest or any land to which any provisions of this Act are applied; 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.

67. Power to arrest without warrant:— (1) Any Forest Officer, Police Officer or Revenue Officer may, without orders from a Magistrate and without a warrant, arrest any person against whom there are reasons to believe that he has been concerned in any forest offence punishable with imprisonment for one month, or upwards, if such person refuses to give his name and residence or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that such person will abscond. Every officer making an arrest 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 station shall thereupon act according to law.

(2) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under Clause (c) of Section 30.

68. Power to release on bond a person arrested:— Any Forest Officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of Section 67, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest police station.

69. Power to prevent commission of offence:— Every Forest Officer or Police Officer shall prevent and may interfere for the purpose of preventing the commission of any forest offence.

70. Power to try offence summarily:— The District Magistrate or any Magistrate of the first class especially empowered in this behalf by the Government may try summarily, under the Code of Criminal Procedure,

any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

71. Power to compound offences:— (1) The Government may, by notification in the *Jareeda*, empower a Forest Officer:—

(a) to accept from a person against whom a reasonable suspicion exists that he has committed any forest offence other than the offences specified in Section 65 or 66, a sum of money by way of compensation for such offence ;

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

(2) On the payment of such sum of money, or such value, or both, to the officer specified in sub-section (1), the suspected person if in custody shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property.

(3) A Forest Officer shall not be authorised to exercise powers under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger, and the sum of money accepted as compensation under Clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

72. Presumption as to timber and forest produce being Government property:— When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER XI OF CATTLE TRESPASS

73. Cattle Trespass Act to apply:— Cattle trespassing in a reserved or protected forest or on land which has been lawfully closed to grazing shall be deemed to be cattle doing damage or causing harm within the meaning of Section 8 of the Hyderabad Cattle Trespass Act, and may be seized and impounded as such by any Forest Officer or Police Officer.

74. Power to alter fines fixed under Cattle Trespass Act:— The Government may, by notification in the *Jareeda*, direct that in lieu of the fines fixed under Section 10 of the Cattle Trespass Act, there shall be

CHAPTER XIII SUBSIDIARY RULES

79. Power to make rules:— The Government may make rules:—

- (a) to prescribe and limit the powers of any Forest Officer under this Act ;
- (b) to regulate the rewards to be paid to officers and informers ;
- (c) for the preservation, reproduction and disposal of trees, timber and forest produce belonging to Government ;
- (d) generally, to carry out the provision of this Act.

80. Penalties for breach of rules:— Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

CHAPTER XIV MISCELLANEOUS

81. Recovery of money due to Government:— All money payable to the Government under this Act or under any rule made under this Act, or on account of the price of any forest produce, or of expenses incurred in the execution of this Act in respect of such produce, may if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue.

82. Lien on forest produce for such money:— (1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce and such produce may be taken possession of by a Forest Officer until such amount has been paid.

(2) If such amount is not paid when due, the Divisional Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

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

83. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act:— Whenever it appears to the Government that any land is required for any of the purposes of this

levied for each head of cattle impounded under Section 73 of this Act such fines as it thinks fit, but not exceeding the following:—

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

CHAPTER XII OF FOREST OFFICERS

75. Government may invest any Forest Officer with certain powers:— The Government may invest any Forest Officer by name, or as holding an office, 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 and material objects,
- (c) power to issue a search-warrant under the Code of Criminal Procedure ;
- (d) Power to hold an enquiry into forest offences and in the course of such enquiries to receive and record evidence.

76. Forest Officers deemed public servants:— All Forest Officers shall be deemed to be public servants within the meaning of the Asafia Penal Code.

77. Indemnity for acts done in good faith:— No suit shall lie against a public servant for anything done by him in good faith under this Act.

78. Forest Officers not to trade:— Except with the permission in writing of the Government, no Forest Officer shall, as principal or agent trade in timber or other forest produce or be or become interested in any lease of any forest or in any contract for working in any forest, whether in or outside H.E.H., the Nizam's Dominions.

Act, such land shall be deemed to be needed for a Government or public purpose within the meaning of Section 3 of the Land Acquisition Act of 1309 Fasli.

84. Recovery of penalties due under bond:— When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in Section 72 of the Hyderabad Contract Act, be recovered from him in case of such breach as if it were an arrear of land revenue.

85. Repeal and Saving:— The Forest Act I of 1326 Fasli, is hereby repealed ; and any rules made, anything done and any action taken in exercise of any power conferred by or under the said Act shall, so far as they are consistent with this Act, be deemed to have been made, or taken in exercise of powers conferred by or under this Act.

IX. 'THE ANDHRA PRADESH (ANDHRA AREA) FOREST ACT, 1882

Act No. V of 1882

²[17th September, 1882; 11th October, 1882].

An Act to make provision for the Protection and Management of Forests in the ³[Andhra area of the State of Andhra Pradesh].

Whereas it is expedient to make provision for the protection and management of forests in the ³[Andhra area of the State of Andhra Pradesh]; It is hereby enacted as follows:—

CHAPTER I PRELIMINARY

1. Short title, local extent and Commencement :— This Act may be called ⁴[the Andhra Pradesh (Andhra Area) Forest Act, 1882].

1. For the Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated 6th July, 1882, p. 17 ; for Report of the Select Committee see ibid., dated 19th August, 1882, p. 1 ; for Proceedings in Council, see ibid., Supplement, dated 11th July 1882, p. 6 ibid., dated 12th September, 1882, p.9. This Act was extended in 1894 by the Governor-General in Council to the Rampa Country and to the Dutcharti, and Gudieru muttas in the Golconda hills, Godavari district ; and by Madras Notification No. 287, published at p. 725 of the Fort St. George Gazette, dated 19th June 1894, the said country and muttas were exempted from the operation of the following portions of the Act, Chapters II, III except Section 26, IV, VI and VIII. Also extended with the previous sanction of the Governor-General in Council to -
 - (a) the Pondakhol and the Minmajodi muttas and the Adigudi mutta in the scheduled districts of Ganjam known as the Surada Maliahs and Chinnakimidi, Maliahs respectively (G.O.No. 1294, Judicial, dated 18th June, 1885, and No. 932, Judicial, dated 25th June, 1901). Also to other scheduled districts of Ganjam (G.O. No. 2005, Judicial, dated 3rd December, 1906, Notification No. 544, p. 1206, Pt. I of the Fort St. George Gazette, dated 4th December 1906).
 - (b) Kottam, Ram and Konda muttas of the scheduled taluk of Palkonda in the Vizagapatnam district (Revenue Notification No. 41, dated 14th January, 1890, p. 78, Pt. I, of the Fort St. George Gazette, dated 28th January 1890).
 - (c) the Agency tracts of the Vizagapatnam district other than the muttas in the Palkonda taluk to which the Act was made applicable, referred to in (b) above (Revenue Notification No. 268, dated 17th June, 1891).
 - (d) the scheduled taluks of Bhadrachalam and Rakapalli in the Godavari district, Gazette of India, 1885, Pt. I, p. 660.
 The Act is in force in the Nugur taluk of the East Godavari district by virtue of S. 2 (1) of Regulation I of 1909. See also the Andhra Pradesh (Andhra Area) Forest (Amendment) Act, 1919 (Act VII of 1919).
2. Received the assent of the Governor on the 17th September, 1882 and of the Governor-General on the 11th October, 1882.
3. For the words "Presidency of Madras," the words "State of Andhra" were subs. by the A.A.O. 1953, and for the words "State of Andhra" these words were subs. by the Andhra Pradesh Act IX of 1961, S. 4 (1).
4. Subs. for the original short title by Andhra Pradesh Act IX of 1961, First Sch.