

THE MYSORE FOREST ACT, 1900.*Arrangement of sections.*

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MYSORE ACT No. XI OF 1900.

THE MYSORE FOREST ACT, 1900.

(As amended by Acts IX of 1901, VII of 1920, IV of 1927,
IV of 1932, II of 1935, XXV of 1945 and VI of 1952.)

(PASSED ON THE 16TH DAY OF NOVEMBER 1900.)

**An Act to amend the Law relating to Forests and Forest
Produce in ¹[the State of Mysore except Bellary District.]**

Preamble.

Whereas it is expedient to amend the law relating to forests and forest produce in ¹[the State of Mysore except Bellary District]; Her Highness the Maharani-Regent is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent
and com-
mencement.

1. (1) This Act may be called the Mysore Forest Act, 1900.

(2) It extends to the ¹[whole of the State of Mysore except Bellary District]; provided that the Government may, by notification in the official Gazette, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption; and

²[(3) It shall come into force on such date as the Government may, by notification in the official Gazette, direct.

(4) A notification under the proviso to sub-section (2), exempting a place from the operation of the whole or any part of this Act, shall not affect anything done, or any offence committed, or any fine or penalty imposed, in such place before such exemption.

Repeal of
Forest Rules
of 1878.

(5) On and from the date on which this Act comes into force, the "Rules for the administration of Forests and waste lands in the Territories of His Highness the Maharaja of Mysore," published under the Notification of the

1. See the Mysore Adaptation of Laws Order, 1953.

2. The Act came into force on the 1st day of January 1901.

(Notification No. 7316—Legis. 53, dated 24th November 1900).

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Governor-General of India in Council, No. 588 F., dated the 8th June 1873, shall be repealed. But all acts done, proceedings had, appointments made, powers conferred, subsidiary rules prescribed and notifications published under the said Rules of 1878, or under any other law relating to matters for which this Act provides shall, so far as they are not inconsistent with this Act, be deemed to have been respectively done, had, made, conferred, prescribed and published under this Act.

2. In this Act and in all rules made thereunder unless there be something repugnant in the subject or context—

Interpretation
clause.

- (1) "Forest Officer" means any person appointed by name or as holding an office, by or under the orders of the Government, to be a Conservator, Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest Ranger, Forester, Forest Guard or Watcher, or to discharge any function of a Forest Officer under this Act or any rule thereunder: Forest Officer.
- (2) "District Forest Officer" means the chief Forest Officer of a district, or of a portion of a district if in independent charge of such portion: District
Forest Officer.
- (3) "Tree" includes stumps, palms, bamboos, canes, and brushwood: Tree.
- (4) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up [or sawn] or fashioned or hollowed out for any purpose or not: Timber.
- (5) "Forest produce" includes— Forest pro-
duce.
 - (a) the following, whether found in or brought from a forest or not, that is to say, timber, charcoal, caoutchouc, catechu, wood oil, ²Sandal wood oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams, and
 - (b) the following whether found in or brought from a forest, that is to say—
 - (i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

1. Inserted by Act VI of 1952.

2. Inserted by Act VII of 1920.

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- (ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants,
 - (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and
 - (iv) peat, surface-soil, rock and minerals, including limestone, laterite, mineral oils, and all products of mines or quarries :
- Forest offence (6) "Forest offence" means an offence punishable under this Act or any rule issued thereunder :
- Cattle. (7) "Cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kinds :
- River. (8) "River" includes also streams, canals, creeks and other channels, natural or artificial :
- Land at the disposal of Government. (9) "Land at the disposal of Government" means land in respect of which no person has acquired—
 (a) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force ; or
 (b) any right created by grant or lease made or continued by, or on behalf of, Government :
- Magistrate. (10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by Government to try forest offences :
- State Forest. (11) "State Forest" means any land settled and notified as such in accordance with the provisions of Chapter II of this Act.
- Village Forest. (12) "Village Forest" means any land notified as such in accordance with the provisions of Chapter III of this Act :
- District Forest. (13) "District Forest" includes all land at the disposal of Government not included within the limits of any State or Village Forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purpose :

Provided that it shall be competent for Government to modify or set aside such assignment, and constitute any

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such land a State, Village or District Forest, or devote the same to any other purpose it may deem fit.

CHAPTER II.

STATE FORESTS.

3. Any land at the disposal of Government may be constituted a State Forest in the manner hereinafter provided. Power to constitute State Forests.

4. Whenever it is proposed to constitute any land a State Forest, the Government shall publish a notification in the official Gazette— Notification by Government.

- (a) specifying as nearly as possible the situation and limits of such land ;
- (b) declaring that it is proposed to constitute such land a State Forest ; and
- (c) appointing an officer (hereinafter called “ the Forest Settlement Officer ”) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this chapter.

The officer appointed under clause (c) of this section shall ordinarily be a person other than a Forest Officer ; but a Forest Officer may be appointed by the Government to assist the Forest Settlement Officer in the enquiry prescribed by this chapter.

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

- (a) specifying as nearly as possible the situation and limits of the proposed forest ;
- (b) setting forth the substance of the provisions of section 6 ;
- (c) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a State Forest ; and

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

Bar of
accrual of
forest rights.

6. (1) During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be a State Forest as hereinafter provided, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right, or power to create such right, was vested when the proclamation was published; and, on such land no new house shall be built or plantation formed, no fresh clearings, for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided. No right of occupancy shall, without the previous sanction of Government, be granted in respect of such land, and every right of occupancy granted without such sanction shall be null and void.

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

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

Enquiry by
Forest
Settlement
Officer.

7. The Forest Settlement Officer shall take down in writing all statements made under section 5 (b), and shall, at some convenient place, enquire into all claims duly preferred under that section, and into the existence and extent of any rights mentioned in section 4 (c) and not claimed under section 5 (b), so far as the same may be ascertainable from the records of Government and the

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evidence of any persons likely to be acquainted with the same.

The Forest Settlement Officer shall, at the same time, consider and record any objection which the Forest Officer, if any, appointed to assist him may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

8. For the purposes of such enquiry the Forest Settlement Officer may exercise the following powers:—

Powers of
Forest
Settlement
Officer.

- (i) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

- (ii) the powers of a Civil Court in the trial of suits.

9. Rights in respect of which no claim has been preferred under section 5 and of the existence of which no knowledge has been acquired by enquiry under section 7, shall be extinguished unless, before the final notification under section 17 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 3 (d), in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

Extinction of
rights.

10. In the case of a claim to a right in or over any land (other than a right of way or pasture or a right to forest produce or water), or in respect of any building standing on such land, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

Power to
acquire land
over which
right is
claimed.

If such claim is admitted in whole or in part, the Forest Settlement Officer shall either—

- (1) exclude such land or building from the limits of the proposed State Forest, or
- (2) come to an agreement with the owner for the surrender of his rights, or
- (3) proceed to acquire such land in the manner provided by the Mysore Land Acquisition Act, 1894.

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For the purpose of so acquiring such land or buildings—

- (a) the Forest Settlement Officer shall be deemed to be a Deputy Commissioner proceeding under the Mysore Land Acquisition Act, 1894 ;
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;
- (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with ; and
- (d) the Forest Settlement Officer with the consent of the claimant, or the Court (as defined in the said Act) with the consent of the claimant and the Deputy Commissioner of the District, may award compensation in land, or partly in land and partly in money.

Order on
claims to
rights of way
or pasture or
to forest pro-
duce or water.

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

Record to be
made where
claim is
admitted

12. If the Forest Settlement Officer admits in whole or in part any claim under section 11, he shall record the extent to which the claim is so admitted, specifying—

- (a) in the case of rights of way, by whom they may be enjoyed, the width of way, and whether for cart traffic or for men and cattle only, and the conditions, if any, attached to the right ;
- (b) in the case of pasturage, the number and description of cattle only which the claimant is from time to time entitled to be grazed in the forest, the season during which such pasturage is permitted, and any conditions attached to the right ;
- (c) in the case of forest produce, the quantity of timber or other forest produce which the claimant is entitled to take or receive, whether the benefit of such timber or other forest produce may be leased, sold or bartered, and such other particulars as may be necessary in order to define the nature, incidents and extent of the right ; and

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- (d) in the case of water, by whom and for what purposes the water may be utilized, and any conditions attached to its use.

13. After making such record, the Forest Settlement Officer shall pass such order as will as far as possible, ensure the continued exercise of admitted rights. Exercise of admitted rights.

For this purpose the Forest Settlement Officer may—

- (a) provide some other reasonably convenient right of way ; or
- (b) set out some other forest tract of sufficient extent, and in a locality reasonably convenient, for the exercise of rights to pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent ; or
- (c) so alter the limits of the proposed State Forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purposes of the claimants with regard to pasturage or other forest produce. Land so excluded may be either outside the boundaries of the forest as finally settled or within them, in which latter case it shall be demarcated and notified as an enclosure within which the rules relating to State Forest shall not apply ; or
- (d) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons, within such portions of the proposed State Forests, and under such rules, as may from time to time be prescribed by Government to ensure the continuance but non-abuse of such rights.

14. In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the proposed State Forest, to make such settlement under section 13 as shall ensure the continued exercise of the said rights to the admitted extent, he shall (subject to such rules as the Government may from time to time prescribe in this behalf) commute such rights, either by the payment of a sum of money in lieu thereof, or, with Commutation of rights.

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the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

Appeal from
order passed
under sections
10, 11, 12, 13
or 14.

15. Any person who has made a claim under this chapter or any Forest Officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 10, 11, 12, 13 or 14, prefer an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Government may, by notification in the official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal under
section 15.

16. Every appeal under the last foregoing section shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the appellate authority.

Every such appeal shall be heard and determined in the manner prescribed for the time being for the disposal of appeals in matters relating to land revenue; and the order passed on the appeal shall be final, subject only to revision by the Government.

Notification
declaring
forest State
Forest.

17. When the following events have occurred, *viz.*—

- (a) the period fixed under section 5 for preferring claims has elapsed, and all claims, (if any) made within such period have been disposed of by the Forest Settlement Officer; and
- (b) if such claims have been made, the period fixed by section 15 for appealing from the orders passed on such claims has elapsed, and all appeals, (if any) presented within such period have been disposed of by the appellate authority; and
- (c) all proceedings prescribed by sections 10 and 13 have been taken and all lands or buildings, (if any) to be included in the proposed State Forest, which the Forest Settlement Officer has under section 10 elected to acquire under the Mysore Land Acquisition Act, 1894, have become vested in Government under section 16 of that Act;

the Government may publish a notification in the official Gazette specifying the limits of the forest which

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it is intended to constitute a State Forest and declaring the same to be a State Forest from a date fixed by such notification, subject to the exercise of rights (if any) specified at foot of the said notification.

From the date so fixed such forest shall be deemed to be a "State Forest".

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

Publication of translation of such notification in neighbourhood of forest.

19. The Government may, within five years from the publication of any notification under section 17 revise any arrangement made under section 13, and may for this purpose, rescind or modify any order made under section 13 or 16, and direct that any one of the proceedings specified in section 13 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 14.

Power to revise arrangement made under section 13 or 16.

20. No right of any description shall be acquired in or over a State Forest, except by succession or under grant or contract in writing made by or on behalf of the Government or of some person in whom such right or the power to create such right was vested when the notification under section 17 was published.

Acquisition of rights over State Forests.

21. Notwithstanding anything contained in section 20, no right continued under section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of Government :

Alienation of rights in State Forests.

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

The benefit of any right continued under section 13 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under section 16.

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Power to stop
way and
water-courses
in State
Forests.

22. Any Forest Officer may, from time to time, with the previous sanction of Government, or of a Forest or other officer authorized by Government in that behalf, stop any public or private way or water-course in a State Forest.

Provided that for the way or water-course so stopped another way or water-course which, in the opinion of the Government or officer authorised as aforesaid, is equally convenient, already exists or has been provided or constructed.

State Forests
constituted
previous to
the passing of
this Act.

23. The Government may, by notification in the official Gazette, declare that any forest which has been notified as a State Forest previous to the date on which this Act comes into force, shall be a State Forest under this Act:

Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been enquired into, settled and recorded in a manner which the Government deems sufficient, the same shall be enquired into, settled and recorded in the manner provided by this Act; and, until such enquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

All questions decided, orders issued and records prepared in connection with the constitution of such forest as a State Forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Act relating to State Forests shall apply to forests notified under this section.

Penalties for
trespass or
damage in
State Forests.

24. Any person who in a State Forest—

- (a) trespasses, or pastures cattle, or permits cattle to trespass, or
- (b) causes any damage by negligence in felling any tree or cutting or dragging any timber, or strips of the bark or leaves from, or otherwise damages any tree or shrub, or
- (c) poisons or dynamites water, or, in contravention of any rules made by the Government, hunts, shoots, fishes, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

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25. Any person who--

Acts prohibited in State Forests.

- (a) makes any fresh clearing prohibited by section 6, or
- (b) sets fire to a State Forest, or, in contravention of any rules made by the Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest,

or who, in any such forest,

- (c) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest Officer duly empowered in this behalf may from time to time notify, or
- (d) fells, cuts, girdles, marks, lops, taps or injures by fire or otherwise any tree, or
- (e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce, or
- (f) clears or breaks up any land for cultivation or any other purpose,

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.

26. Nothing in section 24 or section 25 shall be deemed to prohibit—

Acts excepted from sections 24 and 25.

- (a) the exercise, in accordance with the rules, if any made by the Government under section 13, of any right continued under that section, or
- (b) the exercise of any right created by grant or contract in the manner described in section 20, or
- (c) any act done with the permission in writing of a Forest Officer duly empowered to grant such permission.

27. The Government may in any State Forest grant such privileges as may be consistent with the due maintenance of the forest; and may, without assigning reason therefor, cancel such grant;

Privileges may be granted in State Forests.

Provided always that all privileges so granted shall previously be specified and recorded by the Deputy Commissioner of the District in the manner provided in section 12:

Provided further that the exercise of any privilege under this section shall be for the use of the person

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entitled thereto, and not for the purpose of export or merchandise.

Penalty for offences committed by persons having rights in State forests.

28. Whenever fire is caused wilfully or by gross negligence in a State Forest by any person having rights in such forest or by any person in his employment or whenever any person having rights in such forest contravenes the provisions of section 21, the Government may, notwithstanding the infliction of any punishment under this Act, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce shall be extinguished, or for such period as it thinks fit be suspended.

Persons bound to assist Forest Officer and Police Officer.

29. Every person who exercises any right in a State 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 Officer any information he may possess respecting the occurrence of fire in or near such forest or the commission of, or intention to commit, any forest offence and shall assist any Forest or Police Officer ¹[* * *]

(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 into such forest, ²[and shall assist any Forest or Police Officer demanding his aid,]

(c) in preventing the commission in such forest of any forest offence, and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Power to declare forests no longer State Forests.

30. (1) The Government may, by notification in the official Gazette, direct that, from a date to be fixed by such notification, any forest constituted a State Forest

1. The words "demanding his aid" were omitted by Act IX of 1901.
2. Inserted by Act IX of 1901.

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under this Act or any portion thereof, shall cease to be a State Forest or portion of a State Forest.

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

CHAPTER III.

VILLAGE FORESTS.

31. (1) The Government may, by notification in the official Gazette, constitute any land at the disposal of the Government a Village Forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such notification.

Constitution
of Village
Forests.

(2) Every such notification shall specify the limits of such Village Forest.

32. (1) The Government may make rules for regulating the management of Village Forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

Power to
make rules for
Village
Forests.

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

33. All claims to any rights other than the rights of the village community or group of village communities for the benefit of which such Village Forest is constituted shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Act.

Inquiry into
and settle-
ment of
rights.

CHAPTER IV.

DISTRICT FORESTS.

34. The Government may, in any District Forest, grant such privileges as it thinks fit in regard to the removal by cultivating raiyats or other classes of persons of forest produce required for prescribed purposes; and may without assigning reason thereof, cancel such grant: Provided

Power to
grant privile-
ges in District
Forests.

(Chapter IV—District Forests)

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

Power to
make rules
for District
Forests.

35. 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 forest produce or of the pasturage of any land at the disposal of Government and not included in a State or Village Forest.

Such rules may amongst other things—

- (i) declare that certain trees shall be classed as reserved trees not to be felled without the special sanction of the Conservator of Forests or of any officer duly authorized by him ;
- (ii) declare that certain trees not classed as reserved shall be granted to cultivating raiyats on favourable rates on seigniorage ;
- (iii) provide for placing any area at the disposal of Government under special protection, in view to its subsequent settlement and constitution as a State Forest or for any other purpose, and prescribe the conditions and penalties attendant on such special protection ;
- (iv) regulate or prohibit the grant of land and its clearing and breaking up for cultivation or other purposes ;
- (v) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires ;
- (vi) regulate or prohibit the felling, cutting, girdling, making, lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion, and removal of trees and timber, and the collection and removal of other forest produce ;
- (vii) regulate or prohibit the quarrying of stone or gravel, the burning of lime or charcoal, the smelting of ore, or the boiling of catechu ;
- (viii) regulate or prohibit the cutting of grass and pasturing of cattle, and prescribe the payments (if any) to be made for such cutting or pasturing ;

(Chapter IV—District Forests)

- (ix) regulate or prohibit hunting, shooting, beating or driving for game, fishing, poisoning or dynamiting water, and setting traps or snares;
- (x) regulate the disposal of timber and other forest produce whether by sale or by free grant;
- (xi) prescribe, or authorize the Conservator and the Deputy Commissioner of the district jointly to prescribe, the fees, royalties or other payments for such timber and other forest produce, and the manner in which they shall be levied.

36. The Government may by such rules prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees, or both :

Penalties for acts in contravention of rules.

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

[36-A. Whenever fire is caused wilfully or by gross negligence in any land placed under special protection under clause (iii) of section 35, the Government may (notwithstanding the infliction of any punishment under this Act) direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce shall, for such period as it thinks fit, be suspended.

Suspension of rights in cases of fires caused wilfully or by gross negligence.

36-B. Every person who exercises any right in any land placed under special protection under clause (iii) of section 35, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such land, and every person who is employed by any such person in such land and every village officer or person in any village contiguous to such land who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer, any information he may possess respecting the occurrence of fire in or near such land or the Commission of, or intention to commit, any forest offence, and shall assist any Forest or Police Officer—

Persons bound to assist Forest Officer and Police Officer.

(a) in extinguishing any fire occurring in such land,

1. Sections 36-A and 36-B were inserted by Act IX of 1901.

*(Chapter IV-A—Control over Forests and Lands
not at the disposal of Government or in which
Government has limited interest)*

- (b) in preventing any fire which may occur in the vicinity of such land from spreading into such land, and shall assist any Forest or Police Officer demanding his aid—
- (c) in preventing the commission in such land of any forest offence, and
- (d) when there is reason to believe that any such offence has been committed in such land, in discovering and arresting the offender.]

CHAPTER IV-A.

CONTROL OVER FORESTS AND LANDS NOT AT THE DISPOSAL OF GOVERNMENT OR IN WHICH GOVERNMENT HAS LIMITED INTEREST.

Protection of
forests at
request of
owners.

36-C. The owner of any land, or, if there be more than one owner thereof the owners of shares therein, whether divided or not, amounting in the aggregate to at least three-fourths thereof, may, with a view to the formation or conservation of forest thereon, represent in writing to the Conservator, their desire

- (a) that such land be managed on their behalf by the District Forest Officer as a State Forest, on such terms as may be agreed upon; or
- (b) that such land be managed, subject to the control of the Conservator, by a person appointed by themselves and approved by the Conservator; or
- (c) that all or any of the provisions of this Act or Rules made thereunder be applied to such land.

The Government may in any such case, by a notification in the official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicant.

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

(Chapter V—Control of Forest Produce in Transit)

36-D. If the Government and any person or persons are jointly interested in any forest or waste land, or in the whole or any part of the produce thereof, the Government may either,

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

- (a) undertake the management of such forest, waste land or produce accounting to such person for his interest in the same; or
- (b) issue such regulations for the management of the forest, waste land or produce by the persons so jointly interested, as it deems necessary for the management thereof, and the interests of all parties therein.

When the Government undertakes under clause (a) of this section, the management of any forest, waste land or produce, it may, by notification in the official Gazette, declare that any of the provisions contained in Chapters II and IV of this Act, shall apply to such forest, waste land or produce and thereupon such provisions shall apply accordingly.

36-E. All persons employed under sections 36-C and 36-D to carry out the provisions of this Act shall be deemed to be Forest Officers within the meaning of this Act.]

Persons employed to carry out the Act to be deemed Forest Officers.

CHAPTER V.

CONTROL OF FOREST PRODUCE IN TRANSIT.

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

Power to make rules to regulate transit of forest produce.

(2) Such rules may, among other matters,

- (a) prescribe the routes by which alone forest produce may be imported into, exported from, or moved within, the territories to which this Act extends;
- (b) prohibit the import, export, collection, or moving of forest produce without a pass from an officer authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(Chapter V—Control of Forest Produce in Transit)

- (c) provide for the issue, production and return of such passes;
- (d) fix, or authorize any Forest Officer, subject to the control of the Government, to fix, the fees payable for such passes;
- (e) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government;
- (f) provide for the stoppage, reporting, examination and marking of forest produce in transit in respect of which there is reason to believe that any money is payable to the Government, or to which it is desirable, for the purposes of this Act, to affix a mark;
- (g) establish revenue stations or depots to which forest produce is to be taken by the persons in charge of it for examination, or for the realisation of such money, or in order that such mark may be affixed to it, and prescribe, or authorize a Forest Officer, subject to such control as aforesaid, to prescribe, the conditions under which forest produce is to be brought to, stored at, and removed from, such revenue stations or depots;
- (h) provide for the management and control of such revenue stations or depots and for regulating the appointment and duties of persons employed thereat;
- (i) authorize the transport of timber across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber;
- (j) prohibit the closing up or obstruction of the channel, or banks of any river used for the transit of forest produce and the throwing of grass, brushwood, branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel;
- (k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such

(Chapter VI—Collection of Drift, Stranded, and other Timber)

prevention or removal from the person causing such obstruction;

- (l) prohibit absolutely, or subject to conditions, within specified local limits, the establishment of sawpits, [or saw mills or any other sawing contrivance] the converting, cutting, burning, concealing, marking or super-marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber; and
- (m) regulate the use of the property marks for timber and the registration of such marks, authorize the refusal or cancellation of the registration of any property marks, prescribe the time for which the registration of property marks is to hold good, limit the number of such marks which may be registered by any one person and 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.

38. (1) The Government may, by a rule under the last foregoing section, attach to the breach of any rule under that section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for breach of rules under the last foregoing section.

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

CHAPTER VI.

COLLECTION OF DRIFT, STRANDED, AND OTHER TIMBER.

39. (1) Timber falling under any of the following descriptions, namely:—

- (a) timber found adrift, beached, stranded, or sunk;
- (b) timber bearing marks which have not been registered under rules made under section 37;

Certain kinds of timber to be deemed the property of

*(Chapter VI—Collection of Drift, Stranded, and
other Timber)*

Government
until title
thereto proved.

(c) timber which has been supermarked, or on which marks have been obliterated, altered, or defaced by fire or otherwise; and

(d) in such areas as the Government directs, all unmarked timber,

shall be deemed to be the property of the Government unless and until any person establishes his right thereto as provided in this chapter.

(2) Such timber may be collected by any Forest Officer or other person entitled to collect the same, and may be brought to such stations as a Forest Officer specially empowered in this behalf may, from time to time, notify as stations for the reception of drift timber.

(3) The Government may, by notification in the official Gazette, exempt any class of timber from the provisions of this section and withdraw such exemption.

Notice to
claimants of
timber of
those kinds.

40. (1) Public notice shall, from time to time, as occasion may require, be given by a Forest Officer specially empowered in this behalf of timber collected under the last foregoing section.

(2) Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on
claim
preferred
to such
timber.

41. (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 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

(Chapter VI—Collection of Drift, Stranded, and other Timber)

the timber claimed by him, but no person shall recover any compensation 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 Court until it has been delivered or a suit brought under this section has been decided.

42. Where no statement is presented in the manner and within the period prescribed by notice issued under section 40, or where, such statement having been so presented and the claim rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 41, the ownership of such timber shall vest in the Government free from all encumbrances or when such timber has been delivered to another person under section 41 in such other person free from all encumbrances not created by him.

Disposal of unclaimed timber.

43. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until such sum as may be due for salving, collecting, moving, storing, and disposing of the timber has been paid by him to the Forest Officer or other person entitled to receive the same.

Payments to be made by claimant before timber is delivered to him.

44. (1) The Government may make rules to regulate the following matters, namely :—

Power to make rules and prescribe penalties.

- (a) the salving, collection, and disposal of all timber mentioned in section 39 ;
- (b) the use and registration of boats used in salving and collecting timber ;
- (c) the amount to be paid for salving, collecting, moving, storing, and disposing of such timber ; and
- (d) the use and registration of hammers and other implements to be used for marking such timber.

(2) The Government may, by a rule under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(Chapter VII - Penalties and Procedure)

CHAPTER VII.

PENALTIES AND PROCEDURE.

Seizure of
property
liable to
confiscation.

45. (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, boats, carts and cattle used in the commission of such alleged 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, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the person accused of 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 the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure on
receipt by
Magistrate of
report of
seizure.

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

Forest pro-
duce, tools,
etc., when
liable to
confiscation.

47. (1) When any person is convicted of a forest offence, all forest produce which is not the property of the Government, and in respect of which such offence has been committed and all tools, boats, carts and cattle used in the commission of such offence, shall be liable, by order of the convicting Court, to confiscation.

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

Disposal, on
conclusion of
trial for Forest
offence of
produce in
respect of
which it was
committed.

48. 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 the Government, or has been confiscated, be taken possession of by a Forest Officer duly empowered in this behalf, and, in any other case, shall be disposed of in such manner as the Court may order.

(Chapter VII—Penalties and Procedure)

49. (1) When the offender is not known or cannot be found the Magistrate enquiring into the offence, if he finds 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 confiscated and taken possession of by a Forest Officer duly empowered in this behalf, or to be made over to such Forest Officer or other person as the Magistrate may consider entitled to the same:

Procedure when offender is not known or cannot be found.

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

(2) The Magistrate shall either cause a notice of any application under sub-section (1) to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in any way which he may think fit.

50. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 45 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Procedure as to perishable property seized under section 45.

51. Any person claiming to be interested in property seized under section 45 may, within one month from the date of any order passed by a Magistrate under section 47, 48, or 49, present an 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.

Appeal from orders under sections 47, 48 and 49.

52. When an order for the confiscation of any property has been passed under section 47 or 49 and the period limited by section 51 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government free from all encumbrances.

Vesting of confiscated property in Government.

(Chapter VII—Penalties and Procedure)

Saving of
power to
release
property
seized.

53. Nothing hereinbefore contained shall be deemed to prevent any Forest Officer or other officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under section 45 which is not the property of Government, and the withdrawal of any charge made in respect of such property.

Punishment
for wrongful
seizure.

54. (1) 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 punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

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

Penalty for
counterfeiting
or defacing
marks on trees
and timber
and for alter-
ing boundary
marks.

55. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

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

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to
arrest without
warrant.

56. (1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been, concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence

(Chapter VII—Penalties and Procedure)

which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest Police Station.

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

Power to prevent commission of offence.

58. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Act or the rules made thereunder :

Operation of other laws not barred.

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

59. (1) The Government may, by notification in the official Gazette, empower a Forest Officer by name, or as holding an office—

Power to compound offences.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence other than an offence specified in section 54 or section 55, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

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

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

(3) No Forest Officer shall be empowered under this section, unless he is of a rank not inferior to that of Forest Ranger and is in receipt of a monthly salary of not less than seventy rupees, and the sum of money accepted as compensation under sub-section (1), clause (a), shall in no case exceed ¹[five hundred rupees.]

1. Substituted by Act VI of 1952.

(Chapter VII—Penalties and Procedure)

(4) The officer accepting such compensation shall in all cases record proceedings setting forth the circumstances and amount of compensation accepted, and a copy thereof shall be given to the person paying the compensation, and another submitted with the least possible delay to the officer's immediate official superior. The amount of compensation received shall be credited to Government without undue delay.

Presumption
that forest
produce
belongs to
Government.

60. ¹[When in any proceedings taken, or in consequence of anything done, under this Act or under any other law for the time being in force in ²[the State of Mysore, except Bellary District,] a question arises as to whether any forest produce is the property of Government, such forest produce shall be deemed to be the property of Government, until the contrary is proved.

Compensation
for damage
caused by
commission of
offences.

61. (1) When any person is convicted of felling, cutting, girdling, marking, lopping, or tapping trees or of injuring them by fire or otherwise, in contravention of this Act or of any rule thereunder, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the Government such compensation, not exceeding ten rupees for each tree with respect to which the offence was committed, as it deems just.

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

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

Forfeiture of
leases.

62. When the holder of any lease, license, or contract whatsoever granted or continued by or on behalf of the

1. Substituted by Act VI of 1952.

2. See the Mysore Adaptation of Laws Order, 1953.

(Chapter VIII—Cattle Trespass)

Government for any of the purposes of this Act commits an offence against this Act or any rule thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, license, or contract, and the Government is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any wilful neglect or default on his part, the Government may, by order in writing, declare the lease, license, or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order.

CHAPTER VIII.

CATTLE TRESPASS.

63. Cattle trespassing in a State or Village Forest, or in a District Forest contrary to the provisions of section 35 and the rules made thereunder, shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871 as amended by Act VIII of 1892, and may be seized and impounded as such by any Forest Officer or Police Officer.

Cattle
Trespass Act,
1871, as
amended by
Act VIII of
1892, to
apply.

64. The Government may, by notification in the Official Gazette, direct that, in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871, as amended by Act VIII of 1892, there shall be levied for each head of cattle impounded under section 63 of this Act such fines as it thinks fit but not exceeding the following, namely :—

Power to
alter fines
fixed by that
Act.

	Rs.	a.	p.
For each elephant	10	0	0
For each buffalo or camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer ..	1	0	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	0	8	0

(Chapter IX—Forest Officers)

CHAPTER IX.

FOREST OFFICERS.

Investiture of
Forest Officers
with certain
powers.

65. (1) The Government may invest any Forest Officer by name, or as holding an office, with all or any of the following powers, namely:—

- (a) power to enter upon any land and to survey, demarcate, and make a map of the same;
 - (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;
 - (c) power to issue search-warrants under the Code of Criminal Procedure;
 - (d) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence;
 - (e) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State Forest;
 - (f) power to grant any permission referred to in sections 26 and 37;
 - (g) power to notify stations for the reception of drift timber;
 - (h) power to give public notice of timber collected under section 39;
 - (i) power to take possession of property under this Act;
 - (j) power to direct the release of property or withdrawal of charges;
- and may withdraw any power so conferred.

(2) Any evidence recorded under clause (d) of subsection (1) shall be admissible in any subsequent trial before a Magistrate of the alleged offender:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356, or section 357 of the Code of Criminal Procedure.

Forest Officers
deemed public
servants.

66. All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Indemnity for
acts done in
good faith

67. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Act.

(Chapter X—Supplemental Provisions)

68. No Forest Officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether in ¹[the State of Mysore except Bellary District] or in foreign territory. Forest Officers not to trade.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

69. (1) All inamdars, who, by the terms of their sannads, or by judicial decision, are entitled to the timber and sandalwood in their inam villages, may fell and sell without previous reference any such timber, excepting sandalwood. Forest rights of Inamdars entitled to timber and sandalwood.

(2) The Conservator of Forests may cause any sandalwood growing in such inam lands to be cut and sold on behalf of the inamdars under such rules as may, from time to time, be made by the Government.

70. Inamdars who are not entitled by sannads or by judicial decision to the timber and sandalwood growing on their inam lands may cut and sell all wood, with the exemption of teak and sandal, growing on such lands. Forest rights of Inamdars not entitled to timber and sandalwood.

71. No trees, wood or timber or other forest produce shall be removed from inam lands without a pass, to be obtained under such rules as the Government may, from time to time, make; provided that no payment shall be made for such passes. Removal of forest produce from inam lands.

72. All sandal trees in ¹[the State of Mysore except Bellary District] shall be the exclusive property of Government, unless the same be situated in an area in which the Government may have expressly alienated its right to sandalwood. Sandalwood the exclusive property of Government.

73. (1) Every occupant or holder of land shall be responsible for the due preservation of all sandal trees growing thereon, and shall, in the event of an injury to any such tree from whatever cause at once report such fact to the nearest local Revenue Officer. Responsibility of occupants and holders for preservation of sandal trees.

(2) Any occupant or holder who fails to report any such case of injury as aforesaid, or to prove to the

1. See the Mysore Adaptation of Laws Order, 1953.

(Chapter X—Supplemental Provisions)

satisfaction of a Revenue Officer not lower in rank than an Amildar or Deputy Amildar, that such injury was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation or with his connivance, shall, notwithstanding any other penalty to which he may be liable, be liable to pay to Government such compensation on account of such injury as to such Revenue Officer may seem reasonable:

¹[Provided that the Revenue Officer aforesaid, may, in cases in which he is satisfied that the person responsible for the act, neglect, default, instigation or connivance resulting in the injury was any tenant of the occupant or holder, or any other person holding under or through an occupant or holder, direct that such tenant or other person shall primarily be liable for the compensation and be proceeded against in the first instance for recovery thereof.

Explanation.—The word ‘injury’ used in this section includes the lopping of branches of trees resulting in material injury to them.]

Penalty for
offence in
regard to
sandalwood.

74. In any case of a forest offence having reference to the cutting, uprooting or removal of, or damage to, a sandal tree or part of a sandal tree belonging to Government, the maximum penalty to which the offender is liable under any other section of this Act shall be doubled.

Regulation of
the manufac-
ture of sandal-
wood oil.

275. ³(1) No person shall sell or attempt to sell sandalwood, or manufacture or distil or attempt to manufacture or distil oil from sandalwood, or redistil, refine or sell or attempt to redistil, refine or sell oil extracted from sandalwood, except under a license granted by such authority and subject to such restrictions and conditions as Government may from time to time, prescribe in this behalf.

⁴[(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees or both.

Explanation.—In this section “sandalwood” shall include all sandalwood whether containing heart-wood or

1. Proviso added by Act IV of 1932.

2. Section 75 was substituted for the original by Act VII of 1920.

3. Section 75 renumbered as sub-section (1) by Act II of 1935.

4. Added by Act II of 1935.

(Chapter X—Supplemental Provisions)

not, and whether in the form of roots, billets, pieces sawn or otherwise, chips or saw dust, but does not include sandalwood carved or otherwise manufactured.]

76. The Government may make rules consistent with this Act—

Additional powers to make rules.

- (a) to declare by what Forest Officer or class of Forest Officers the powers or duties conferred or imposed by or under this Act on a Forest Officer are to be exercised or performed ;
- (b) to regulate the procedure of Forest Settlement Officers ;
- (c) for the preservation and disposal of forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons ;
- (d) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or from the public treasury ; and
- (e) generally, to carry out the object and purposes of this Act.

77. All rules made by the Government under this Act shall be published in the official Gazette, and shall thereupon have the force of law.

Rules, when to have force of law.

78. Any person breaking any rule under this Act for the breach of which no special penalty is provided shall be liable on conviction to imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

Penalties for breach of rules.

79. All money, other than fines, payable to the Government under this Act, or under any rule made thereunder, or on account of the price of any forest produce, or of expenses incurred in the execution of this Act in respect of such forest 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.

Recovery of money due to Government.

80. (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

Lien on forest produce to such money.

(Chapter X—Supplemental Provisions)

duly empowered in this behalf, and may be retained by him until such amount has been paid.

Power to sell
such produce.

(2) If such amount is not paid when due, such 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 sale by the person entitled thereto, shall be forfeited to the Government.

Government
and its officers
not liable for
loss or
damage in
respect of
certain forest
produce.

81. The Government shall not be responsible for any loss or damage which may occur in respect of forest produce while at a revenue station or depot, establishment under section 37, sub-section (2), clause (g), or while detained elsewhere for the purposes of this Act; and no Forest Officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

All persons
bound to aid
in case of
accident at
station or
depot.

82. In case of any accident or emergency involving danger to any property at any such station or depot, every person employed at such station or depot, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger and securing such property from damage or loss.

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

83. Whenever it appears to the Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1894, section 4.

Recovery of
penalties due
under bond.

84. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.
