# FOREST LAW-II

Kunal Satyarthi, IFS

# Know by name?

- **SPECIALISTS**
- **IFA,1927 (10)**
- **BDA,2002 (4)**
- **FRA,2006 (4)**
- **PPA 1971 (2)**
- **WPA,1972 (10)**
- **FCA,1980 (4)**
- **EPA,1986 (2)**
- **NGT,2010 (2)**

**GENERALISTS**

- IPC
- CrPC
- CPC
- IEA
- GCA

# TURNING POINTS

1927

1972

1972

1976

1980

1986

1992

1996

2002

2006

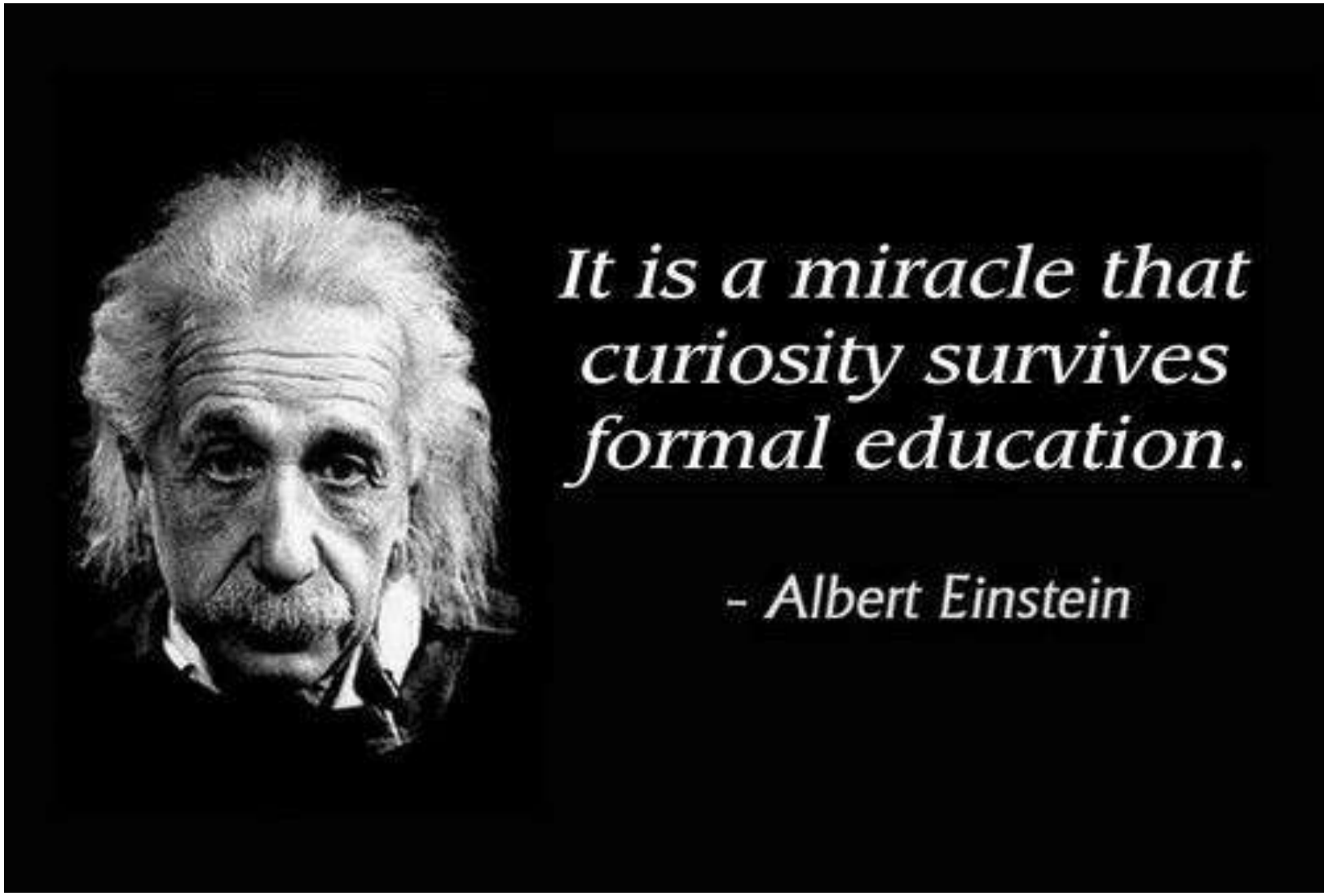
2010

2016

2026?

# Know the Jargons?

- Constitution
- Article?
- Policy
- Act?
- Section?
- Sub-section?
- Schedule? Sub-schedule?
- Form?
- Rules
- Manuals
- GO’s


It is a miracle that curiosity survives formal education.
- Albert Einstein

# THE INDIAN FOREST ACT, 1927

# (16 of 1927)

# (21st September, 1927)

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:-

**ARRANGEMENT OF SECTIONS**


*CHAPTER I*

**PRELIMINARY**

1. Short title and extent
2. Interpretation clause

*CHAPTER II*

**OF RESERVED FORESTS**

3. Power to reserve forests
4. Notification by State Government
5. Bar of accrual of forest-rights
6. Proclamation by Forest Settlement-officer
7. Inquiry-by Forest Settlement-officer
8. Powers of Forest Settlement-officers
9. Extinction of rights
10. Treatment of claims relating to practice of shifting cultivation
11. Power to acquire land over which right is claimed
12. Order on claims to rights of pasture or to forest-produce
13. Record to be made by Forest Settlement-officer
14. Record where he admits claim
15. Exercise of rights admitted
16. Commutation of rights
17. Appeal from order passed under section 11, section 12, section 15 or section 16
18. Appeal under section 17
19. Pleaders
20. Notification declaring forest reserved
21. Publication of translation of such notification in neighbourhood of forest
22. Power to revise arrangement made under section 15 or section 18
23. No right acquired over reserved forest, except as here provided
24. Rights not to be alienated without sanction
25. Power to stop ways and water-courses in reserved forests
26. Acts prohibited in such forests
27. Power to declare forest no longer reserved

## *CHAPTER III*

**OF VILLAGE-FORESTS**

- 28. Formation of village-forests

## *CHAPTER IV*

**OF PROTECTED FORESTS**

- 29. Protected forests
- 30. Power to issue notification reserving trees, etc.
- 31. Publication of translation of such notification in neighbourhood
- 32. Power to make rules for protected forests
- 33. Penalties for acts in contravention of notification under section 30 or of rules under
- section 32
- 34. Nothing in this Chapter to prohibit acts done in certain cases

## *CHAPTER V*

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

- 35. Protection of forests for special purposes
- 36. Power to assume management of forests
- 37. Expropriation of forests in certain cases
- 38. Protection of forests at request of owners

*CHAPTER VI*
**OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE**
39. Power to impose duty' on timber and other forest-produce
40. Limit not to apply to purchase-money or royalty
*CHAPTER VII*
**OF THE CONTROL OF TIMBER AND OTHER OOREST-PRODUCE IN TRANSIT**
41. Power to make rules to regulate transit of forest-produce
41A. Powers of Central Government as to movements of timber across customs frontiers
42. Penalty for breach of rules made under section 41
43. Government and Forest-officers not liable for damage to forest-produce at depot
44. All persons bound to aid in case of accidents at depot.
*CHAPTER VIII*
**OF THE COLLECTION OF DRIFT AND STRANDED TIMBER**
45. Certain kinds of timber to be deemed property of Government until title thereto proved,
and may be collected accordingly
46. Notice to claimants of drift timber
47. Procedure on claim preferred to such timber
48. Disposal of unclaimed timber
49. Government and its officers not liable for damage to such timber
50. Payments to be made by claimant before timber is delivered to him
51. Power to make rules and prescribe penalties

- (5) "**river**" includes any stream, canal, creek or other channels, natural or artificial;
- (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; and
- (7) "**tree**" includes palms, bamboos, stumps, brush-wood and canes.

## *CHAPTER IX*

## PENALTIES AND PROCEDURE

- 52. Seizure of property liable to confiscation
- 53. Power to release property seized under section 52
- 54. Procedure thereupon
- 55. Forest-produce, tools, etc., when liable to confiscation
- 56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed
- 57. Procedure when offender not known, or cannot be found
- 58. Procedure as to perishable property seized under section 52
- 59. Appeal from orders under section 55, section 56 or section 57
- 60. Property when to vest in Government
- 61. Saving of power to release property seized
- 62. Punishment for wrongful seizure
- 63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks
- 64. Power to arrest without wan-ant
- 65. Power to release on a bond a person arrested
- 66. Power to prevent commission of offence
- 67. Power to try offences summarily
- 68. Power to compound offences
- 69. Presumption that forest-produce belongs to Government

*CHAPTER X*
**CATTLE-TRESPASS**
70. Cattle-trespass Act, 187 1, to apply
71. Power to alter fines fixed under that Act
*CHAPTER XI*
**OF FOREST-OFFICERS**
72. State Government may invest Forest-officers with certain powers
73. Forest-officers deemed public servants
74. Indemnity for acts done in good faith
75. Forest-officers not to trade
*CHAPTER XII*
**SUBSIDIARY RULES**
76. Additional powers to make rules
77. Penalties for breach of rules
78. Rules when to have force of law
*CHAPTER XIII*
**MISCELLANEOUS**
79. Persons bound to assist Forest-officers and Police-officers
80. Management of forests the joint property of Government and other persons
81. Failure to perform service for which a share in produce of Government forest is employed
82. Recovery of money due to Government
83. Lien on forest-produce for such money
84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894
85. Recovery of penalties due under bond
85A. Saving for rights of Central Government
86. [Repealed.]

# CHAPTER 1
# PRELIMINARY
## 1. Short title and extent -

(1) This Act may be called the Indian Forest Act, 1927.[1](2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.

(3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal; but the Government of any State may by notification in the Official Gazette bring this Act into force[2]

2. Interpretation clause - In this Act, unless there is anything repugnant in the subject or context, -

- (1) "**cattle**" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
- 2) "**Forest-officer**" means any person whom [3][***] the State Government or any office empowered by the State 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) "**forest-offence**" means an offence punishable under this Act or under any rule made thereunder;

- (4) "**forest-produce**" includes -
- **(a)** the following whether found in, or brought from, a forest **or not**, that is to say - timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds,[4] and myrabolams, and
- **(b)** the following when found in, or brought from a forest, that is to say -
- (i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,
- (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
- (iii) wild animals and 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 lime-stone, laterite, mineral oils, and all products of mines or quarries);

# CHAPTER II

# OF RESERVED FORESTS

- 3. **Power to reserve forests** - The State Government may constitute any forest-land or waste-land 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, a reserved forest in the manner hereinafter provided.

- 4. **Notification by State Government** - (1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette -
- a) declaring that it has been decided to constitute such land a reserved forest;
- b) specifying, as nearly as possible, the situation and limits of such land; and
- appointing an officer (hereinafter called "the Forest Settlement - officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.

- 5. **Bar of accrual of forest-rights**. - After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right 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 State 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 the local vernacular in every town and village in the neighborhood of the land comprised therein, a proclamation-

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

explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the 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 duly 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 the records of Government and the evidence of any persons likely to be acquainted with the same.

- 8. **Powers of Forest Settlement-officers**.- For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:-
- a) 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
- 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 of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 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 6.

- 10. **Treatment of claims relating to practice of shifting cultivation** - (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.
- (2) On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.

- (3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise -
- a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or
- b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.
- (4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the State Government.
- (5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the State Government.

- 11. **Power to acquire land over which right is claimed** - (1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right 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.

- (2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either -
- i. exclude such land from the limits of the proposed forest; or
- ii. come to an agreement with the owner thereof for the surrender of his rights; or
- iii. proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).
- (3) For the purpose of so acquiring such land -
- a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 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 Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.
- 12. **Order on claims to rights of pasture or to forest-produce.** - In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.
- 13. **Record to be made by Forest Settlement-officer**. - The Forest Settlement-officer, when passing any order under section 12, 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

- the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

- 14. **Record where he admits claim**. - If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so 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.

- 15. **Exercise of rights admitted.-** (1) After making such record the Forest Settlement-officer shall, to the best of his ability, having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.
- (2) For this purpose the Forest Settlement-officer may
- a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
- so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a 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, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the State Government.

- 16. **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 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the State Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.
- 17. **Appeal from order passed under section 11, section 12, section 15 or section 16.** - Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the State Government may, by notification in the Official Gazette, appoint to hear appeals from such orders:

- Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and when the Forest Court has been so established, all such appeals shall be presented to it.
- 18. **Appeal under section 17**. - (1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.
- (2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.
- (3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

- (4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the State Government, be final.
- 19. **Pleaders.** - The State Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.
- 20. **Notification declaring forest reserved.** - (1) When the following events have occurred, namely:-
- a) the period fixed under section 6 for preferring claims have elapsed and all claims (if any) made under that section or section 9 have been disposed of by the Forest Settlement-officer.

- b) if any such claims have been made, the period limited by section 17 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 officer or Court; and
- c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act.
- the State Government shall publish a notification in the Official Gazette, 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.

- **21. Publication of translation of such notification in neighborhood of forest.** - The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighborhood of the forest.

- **22. Power to revise arrangement made under section 15 or section 18.** - The State Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

- **23. No right 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 or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

- **24. Rights not to be alienated without sanction** –
- (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease mortgage or otherwise, without the sanction of the State Government:

  Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.
- (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 14.

- **25. Power to stop ways and water-courses in reserved forests.** –
- The Forest-officer may, with the previous sanction of the State Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the State Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

**26. Acts prohibited in such forests.** –

(1) Any person who –

a) makes any fresh clearing prohibited by section 5, or

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

or 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.

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

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

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

g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

h) clears or breaks up any land for cultivation or any other purpose;

i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or

j) in any area in which the Elephant's Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made,

- 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 State Government; or

  b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

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

In sub section (1),-

AP:-

(b) Sets fire to forest notified to be reserve forest under section 4 (also in MP,MH)

addition

(i). Damages, alters or removes any wall, ditch emabankment,fence, hedge, or railing;or

(ii). Removes any forest produce

where a person contravenes the provisions of sub clause (ii) or subclause (vii) of clause (c) of sub section (1)—

(i) a forest officer not below the rank of a ranger

(ii) a police officer not below the rank of a Sub inspector

(iii) a revenue officer not below the rank of a deputy Tahsildar

may evict the person from the forest or land, pertaining to which the contravention has taken place and remove any building or other construction or anything grown or deposited on it.

provided that before taking any action under this sub-section, the officer concerned shall give an opportunity to the person affected to make any representation against the action proposed.

## PENAL PROVISIONS

AP:- (i) relates to *Sandalwood or Redsandal with imprisonment for a term which shall not the less than 3 months but which shall not exceeds one year and with fine which shall not exceeds ten thousand rupees.*

*(ii).in any case, with imprisonment for a term which may extend to one year and with fine may extend to two thousand rupees or both.*

- **MP:-** “extend to one year or with fine which may extend to one thousand rupees”

- **Maharastra:-** “extend to one year or with fine which may extend to two thousand rupees”

- **WB:-** “extend to one year or with fine which may extend to one thousand rupees”