

The Indian Forest Act, 1927

MADHYA PRADESH

India

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Act 16 of 1927

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The Indian Forest Act, 1927 No. 16 of 1927 [Dated 21st September, 1927] [As applicable to the State of M.P.] An Act to consolidate the law relating to forest, 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 :-

Chapter I Preliminary

1. Short title and extent.

(1) This Act may be called the [Indian] Forest Act, 1927. (2) [It extends to the whole of India except the territories which immediately before the 1st November, 1956, were comprised in Part B States [other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh] [Substituted by ALO 1956]. (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 in the whole or any specified part of that State to which this Act extends and where it is not in force.]] [It also applies to the territories comprised in the Madhya Bharat, Vindhya Pradesh, Bhopal and Sironj regions of the State of Madhya Pradesh.] [Inserted by M.P. Act No. 23 of 1958.]

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, goat and kids; (2) "forest officer" means any person whom the State Government

or any officer 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 any thing 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, [shellac, gum] [Inserted by Section 2 (i) of M.P. Act No. 9 of 1965.], mahua flowers, mahua seeds [tendu leaves] [Inserted by M.P. Act No. 1 of 1990.], kuth and myrobalans, 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 of produce of animals, and(iv)peat, surface soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries);(v)[standing agricultural crops.] [Inserted by Section 2 (ii) of M.P. Act No. 9 of 1965.](4-A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such Court;(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 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(c)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.Explanation. - For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, bridges or other well-known or readily intelligible boundaries.(2)The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest office except that of Forest Settlement Officer.(3)Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest office except as aforesaid, to perform

the duties of a Forest Settlement Officer under this Act.

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 neighbourhood of the land comprised therein a proclamation-(a)specifying, as nearly as possible, the situation and limits of the proposed forest;(b)explaining the consequences which, as hereinafter provided, will ensure on the reservation of such forest; and(c)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 enquire 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 Officer.

- 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.

- Right 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 has sufficient cause for not preferring such claim within the period fixed under Section 6.

10. Treatment of claims relating to practice of shifting of 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 practice 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 (b) 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, and 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 (b) 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 an appeal to be 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. Pleadings.

- 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 has 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.

20A. [Forest land or waste land deemed to be reserved forests. [Inserted by Section 3 of M.P. Act No. 9 of 1965.]

(1)Notwithstanding anything contained in this Act or any other law for the time being in force, any forest-land or waste land in the territories comprised within an Indian State immediately before the date of its merger in any of the integrating States now forming part of this State (hereinafter in this section referred to as the "merged territories"),-(i)which had been recognised by the Ruler of any such State immediately before the date of merger as a reserved forest in pursuance of any law, custom, rule, regulation, order or notification for the time being in force; or(ii)which had been dealt with as such in any administration report or in accordance with any working plan, or register maintained or acted upon immediately before the said date and has been continued to so dealt with thereafter;shall be deemed to be reserved forests for the purposes of this Act.(2)In the absence of any rule, order or notification under this Act, applicable to the area in question, any law, custom, rule, regulation, order or notification mentioned in sub-section (1) shall, anything in any law to the contrary notwithstanding, be deemed to be validly in force, as if the same had the force and effect of rules, orders and notifications, made under the provisions of this Act and shall continue to so remain in force until superseded, altered or modified in accordance therewith.(3)No report, working plan or register as aforesaid or any entry therein shall be questioned in any Court of law; provided that the State Government have duly certified that such report, working plan, or register had been prepared under the authority of the said Ruler before the date of the merger and has been under the authority of the State Government continued to be recognised, maintained or acted upon thereafter.(4)Forest recognised in the merged territories as village forests or protected forests, or forests other than reserved forests, by whatever name designated or locally known, shall be deemed to be protected forests within the meaning of this Act and provisions of sub-sections (2) and (3) shall mutatis mutandis apply.Explanation I. - "Working plan" includes any plan, scheme, project, maps, drawings and layouts prepared for the purpose of carrying out the operations in course of the working and management of forests.Explanation II. - "Ruler" includes the Darbar administration prior to the date of the merger and "State Government" includes the successor Governments after the said date.Explanation III. - The expression "Indian State" shall have the meaning assigned to that expression in clause (15) of Article 366 of the Constitution of India.Explanation IV. - "Integrating States" means the States of Madhya Pradesh, Madhya Bharat, Rajasthan, Vindhya Pradesh and Bhopal as existing before the 1st day of November, 1956.]

21. Publication or translation of such notification in neighbourhood 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 neighbourhood 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 authorized 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 to a forest land, in respect of which a notification declaring the decision of the State Government to constitute it a reserved forest has been issued under Section 4 or in contravention of any rule made by the State Government in this behalf, kindles in any such forest a fire or leaves a fire burning in such manner as to endanger such a forest;] [Substituted by Section 4 (i) of M.P. Act No. 9 of 1965.]or who, in a reserved forest-(c)kindles, keeps or carries any fires 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 [removing] [Substituted by Section 4 (ii) of M.P. Act No. 9 of 1965.] any timber;(f)fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, [the same or any forest-produce;] [Substituted by Section 4 (iii) of M.P. Act No. 9 of 1965.](g)quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or remover, any forest-produce;(h)[clears or breaks up any land for cultivation or for any other purpose, or cultivates or attempts to cultivate any land in any other manner;] [Substituted by Section 4 (iv) of M.P. Act No. 9 of 1965.](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 Elephants 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 one year, or

with fine which may extend to one thousand rupees] [Substituted by Section 4 (v) of M.P. Act No. 9 of 1965.], 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 wilfully 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.

27. Power to declare forest no longer reserved.

(1)The State Government may, by notification in the Official Gazette direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.(2)From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

Chapter III Of Village-Forests

28. Formation of village-forests.

(1)The State Government may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.(2)The State Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.(3)All the provisions of this Act relating to reserved forest shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

Chapter IV Of Protected Forests

29. Protected forests.

(1)The State Government may, by notification in the Official Gazette declare the provisions of this chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.(2)The forest-land and

waste-lands comprised in any such notification shall be called a "protected forest".(3)No such notifications shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved :Provided that, if, in the case of any forest-land or waste-land, the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the mean time to endanger the rights of Government, the State Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. Power to issue notification reserving trees, etc.

- The State Government may, by notification in the Official Gazette-(a)declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;(b)declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the State Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or(c)prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle, or for any other purpose, of any land in any such forest.

31. Publication or translation of such notification in neighbourhood.

- The Collector shall cause a translation into the local vernacular of every notification issued under Section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. Power to make rules for protected forests.

- The State Government may make rules to regulate the following matters, namely :-(a)the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest- produce, from protected forests;(b)the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;(c)the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons;(d)the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;(e)the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;(f)the examination of forest-produce passing out of such forests;(g)the clearing and breaking up of land for cultivation or other purposes in such forests;(h)the protection from fire of

timber lying in such forests and of trees reserved under Section 30;(i)the cutting of grass and pasturing of cattle in such forests;(j)hunting, shooting, fishing, poisoning water and setting traps or snares in such forest, and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879 (6 of 1879) is not in force;(k)the protection and management of any portion of a forest closed under Section 30; and(l)the exercise of rights referred to in Section 29.

33. Penalties for acts in contravention of notification under Section 30 or of rules under Section 32.

(1)Any person who commits any of the following offences, namely :-(a)fells, girdles, lops, taps or burns any tree reserved under Section 30, or strips of the bark or leaves from, or otherwise damages, [any such tree or forest produce;] [Substituted by Section 5 (i) of M.P. Act No. 9 of 1965.](b)contrary to any prohibition under Section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce;(c)[contrary to any prohibition under Section 30, clears or breaks up any land for cultivation or for any other purpose, or cultivates or attempts to cultivate any land in any other manner in any protected forest;] [Substituted by Section 5 (ii) of M.P. Act No. 9 of 1965.](d)sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under Section 30, whether standing, fallen or felled or to any closed portion of such forest;(e)leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;(f)fells any tree or [removes] [Substituted by M.P. Act No. 9 of 1965.] any timber so as to damage any tree reserved as aforesaid;(g)permits cattle to damage any such tree;(h)infringes any rule made under Section 32;shall be punishable with imprisonment for a term which may [extend to one year or with fine which may extend to one thousand rupees] [Substituted by M.P. Act No. 9 of 1965.] or with both.(2)Whenever fire is caused wilfully or by gross negligence in a protected 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 any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

34. Nothing in this chapter to prohibit acts done in certain cases.

- Nothing in this chapter shall be deemed to prohibit any act done with the permission in writing of the forest officer, or in accordance with rules made under Section 32, or, except as regards any portion of a forest closed under Section 30, or as regards any rights the exercise of which has been suspended under Section 33, in the exercise of any right recorded under Section 29.

34A. [Power to declare forests no longer protected. [Inserted by Section 6 of M.P. Act No. 9 of 1965.]

(1)The State Government may, by notification, direct that from a date fixed in that behalf by such notification, any forest or portion thereof protected under this Act, shall cease to be a protected forest.(2)From the date so fixed, such forest or portion thereof shall cease to be protected but the rights, if any, which have been extinguished therein shall not revive in consequence of such

cessation.]

Chapter V

Of The Control Over Forests and Lands Not Being the Property of the Government

35. Protection of forests for special purposes.

(1)The State Government may, by notification in the Official Gazette, regulate or prohibit in any forest or waste land-(a)the breaking up or clearing of land for cultivation;(b)the pasturing of cattle; or(c)the firing or clearing of the vegetation;(d)[the cutting of plants and trees;] [Substituted by Section 2 (1),of M.P. Act No. 26 of 1950.]when such regulation or prohibition appears necessary for any of the following purposes :-(i)for protection against storms, winds, rolling stones, floods and avalanches;(ii)for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land-slips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;(iii)for the maintenance of a water-supply in springs, rivers and tanks;(iv)for the protection of roads, bridges, railways and other lines of communication;[(iv-a) for preventing destruction and for promoting conservation and development of forests;] [Substituted by Section 2 (2) of M.P. Act No. 26 of 1950.](v)for the preservation of the public health.(2)The State Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.(3)No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same have been heard by an officer duly appointed in that behalf and have been considered by the State Government.

36. Power to assume management of forests.

(1)In case of neglect of, or willful disobedience to, any regulation or prohibition under Section 35, or if the purposes of any work to be constructed under that section so require, the State Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a forest officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.(2)The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.(3)For the purpose of calculating the net profits, the total expenditure incurred on the working and management of the forest shall be adjusted against the total income from the working and management up to the date of account.(4)For the purpose of sub-section (3),-(a)the total income shall include the proceeds of confiscation or forfeitures for forest offences not committed by the owner in respect of the forest or the forest produce thereof after deducting from such proceeds the rewards, if any, paid to informers and officers out of such proceeds;(b)The total expenditure shall

include--(i)an amount equal to twenty percent of total income in lieu of supervision charges payable to Government;(ii)the value of any forest produce removed or any advantage gained by the owner after the date on which such forest or land is taken under management by Government;(iii)cost of management incurred on the pay and allowances of the Forest Department staff; and(iv)such incidental expense as may be incurred by the forest officer including that incurred for the storage, transport and sale of the articles or forest produce forfeited or confiscated.

37. Expropriation of forests in certain cases.

(1)In any case under this chapter in which the State Government considers that, in lieu of placing the forest or land under the control of a forest officer, the same should be acquired for public purposes, the State Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).(2)The owner of any forest or land comprised in any notification under Section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the State Government shall acquire such forest or land accordingly.

38. Protection of forests at request of owners.

(1)The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire-(a)that such land be managed on their behalf by the forest officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or(b)that all or any of the provisions of this Act be applied to such land.(2)In either case, the State Government may, by 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 applicants.

Chapter VI

Of the Duty on Timber and Other Forest-Produce

39. Power to impose duty on timber and other forest- produce.

(1)The Central Government may levy a duty in such manner, at such places and at such rates as it may declare by notification in the Official Gazette on all timber or other forest-produce-(a)which is produced in [the territories to which this Act extends] [Substituted by ALO 1956.], and in respect of which the Government has any right;(b)which is brought from any place outside [the territories to which this Act extends] [Substituted by ALO 1956.](2)In every case in which such duty is directed to be levied ad valorem, the Central Government may fix by like notification the value on which such duty shall be assessed.(3)All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the State Government, shall be deemed to be and to have been duly levied under the provisions of this Act.(4)Notwithstanding anything in this section, the State Government may, until provision to the

contrary is made by Parliament, continue to levy any duty which it was lawfully levying before the commencement of the Constitution, under this section as then in force :Provided that nothing in this sub-section authorizes the levy of any duty which as between timber or other forest-produce of the State and similar produce of the locality outside the State discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the State, discriminates between timber or other forest-produce of one locality/and similar timber or other forest-produce of another locality.

40. Limit not to apply to purchase-money or royalty.

- Nothing in this chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

Chapter VII

Of the Control of Timber and Other Forest-Produce in Transit

41. Power to make rules to regulate transit of forest-produce.

(1)The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce.(2)In particular and without prejudice to the generality of the foregoing power such rules may-(a)prescribe the routes by which alone timber or other forest- produce may be imported, exported or moved into, from or within the State;(b)prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;(c)provide for the issue, production and return of such passes and for the payment of fees therefor;(d)provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;(e)provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;(f)prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brush-wood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;(g)provide for the prevention or removal of any obstruction of the channel or banks of any such river and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;(h)prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for

marking timber;(i)regulate the use of property marks for timber, and the registration of such marks, prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.(3)The State 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.

41A. Powers of Central Government as to movements of timber across customs frontiers.

- Notwithstanding anything in Section 41, the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from [the territories to which this Act extends] [Substituted by ALO 1956.] across any customs frontier as defined by the Central Government, and any rules made under Section 41 shall have effect subject to the rules made under this section.

42. Penalty for breach of rules made under Section 41.

(1)The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may [extend to one year, or fine which may extend to one thousand rupees,] [Substituted by Section 7 of M.P. Act No. 9 of 1965.] or both.(2)Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. Government and forest officers not liable for damage to forest-produce at depot.

- The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under Section 41, 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 such loss or damage negligently, maliciously or fraudulently.

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

- In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, 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 or securing such property from damage or loss.

Chapter VIII

Of the Collection and Drift and Stranded Timber

45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

(1) All timber found a drift, beached, stranded or sunk; all wood or timber bearing marks which have not been registered in accordance with the rules made under Section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the State Government directs, all unmarked wood and timber; shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this chapter. (2) Such timber may be collected by any forest officer or other person entitled to collect the same by virtue of any rule made under Section 51, and may be brought to any depot which the forest officer may notify as a depot for the reception of drift timber. (3) The State Government may, by notification in the Official Gazette exempt any class of timber from the provisions of this section.

46. Notice to claimants of drift timber.

- Public notice shall from time to time be given by the forest officer of timber collected under Section 45. 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 two months from the date of such notice, a written statement of such claim.

47. Procedure on claim preferred to such timber.

(1) When any such statement is presented as aforesaid, the forest officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant. (2) If such timber is claimed by more than one person, the forest officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimant to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal. (3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government or against any forest officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section. (4) No such timber shall be subject to process of any civil, criminal or revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. Disposal of unclaimed timber.

- If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under Section 46, or on such claim having

been so preferred by him and having been rejected, omits to institute a suit to recovery possession of such timber within the further period fixed by Section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under Section 47, in such other person free from all encumbrances not created by him.

49. Government and its officers not liable for damage to such timber.

- The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under Section 45, and no forest officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

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

- No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the forest officer or other person entitled to receive it such a sum on account thereof as may be due under any rule made under Section 51.

51. Power to make rules and prescribe penalties.

(1)The State Government may make rules to regulate the following matters, namely :-(a)the salving, collection and disposal of all timber mentioned in Section 45;(b)the use and registration of boats used in salving and collecting timber;(c)the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and(d)the use and registration of hammers and other instruments to be used for marking such timber.(2)The State Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may [extend to one year or fine which may extend to one thousand rupees,] [Substituted by Section 8 of M.P. Act No. 9 of 1965.] or both.

Chapter IX

Penalties and Procedure

52. [Seizure of property liable to confiscation and procedure therefor. [Substituted by Section 3 of M.P. Act No. 25 of 1983.]

(1)When there is reason to believe a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, vehicles, ropes, chains or any other article used in committing any such offence, may be seized by any forest officer or police officer.(2)Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be either produce the property seized before an officer not below the rank of an Extra Assistant Conservator of Forests authorised by the State Government in this behalf by notification (hereinafter referred to as the authorised officer) or where it is, having regard to quantity or bulk or other genuine difficulty, not practicable to

produce property seized before the authorised officer, make a report about the seizure to the authorised officer, or where it is intended to launch criminal proceedings against the offender immediately, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made :Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of 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.(3)Subject to sub-section (5), where the authorised officer upon production before him of property seized or upon receipt of report about seizure, as the case may be, is satisfied that a forest offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded confiscate forest-produce so seized together with all tools, vehicles, boats, ropes, chains or any other article used in committing such offence. A copy of order of confiscation shall be forwarded without any undue delay to the Conservator of Forests of the forest circle in which the timber or forest-produce, as the case may be, has been seized.(4)No order confiscating any property shall be made under sub- section (3) unless the authorised officer-(a)sends an intimation in form prescribed about initiation of proceedings for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;(b)issues a notice in writing to the person from whom the property is seized, and to any other person who may appear to the authorised officer to have some interest in such property;(c)affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and(d)gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose.(5)No order of confiscation under sub-section (3) of any tools, vehicles, boats, ropes, chains or any other article (other than timber or forest-produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such tools, vehicles, boats, ropes, chains or other articles were used without his knowledge or connivance or, as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of objects aforesaid for commission of forest-offence.]

52A. Appeal against order of confiscation.

(1)Any person aggrieved by an order of confiscation may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee and payable in such form as may be prescribed, and by certified copy of order of confiscation to the Conservator of Forests (hereinafter referred to as appellate authority) of the forest circle in which the forest produce, has been seized.Explanation. - The time requisite for obtaining certified copy of order of confiscation shall be excluded while computing period of thirty days referred to in this sub-section.(2)The appellate authority referred to in sub-section (1), may, where no appeal has been preferred before him, "suo motu" within thirty days of date of receipt of copy of order of confiscation by him, and shall on presentation of memorandum of appeal issue a notice for hearing of appeal or, as the case may be, of "suo motu" action to the officer effecting seizure and to any other person (including appellant, if any) who in the opinion of the appellate authority, is likely to be adversely affected by the order of

confiscation, and may send for record of the case :Provided that no formal notice of appeal need be issued to such amongst the appellant, officer effecting seizure and any other person likely to be adversely affected as aforesaid, as may waive the notice or as may be informed in any other manner of date of hearing of appeal by the appellate authority.(3)The appellate authority shall send intimation in writing of lodging of appeal or about "suo mota" action, to the authorised officer.(4)The appellate authority may pass such orders of "interim" nature for custody, preservation or disposal (if necessary) of the subject-matter of confiscation, as may appear to be just or proper in the circumstances of the case.(5)The appellate authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.(6)On the date fixed for hearing of the appeal or "suo motu" action, or on such date to which the hearing may be adjourned, the appellate authority shall peruse the record and hear the parties to the appeal if present in person, or through any agent duly authorised in writing or through a legal practitioner, and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation :Provided that before passing any final order the appellate authority may, if it is considered necessary for proper decision of appeal or for proper disposal of "suo motu" action, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.(7)The appellate authority may also pass such orders of consequential nature, as it may deem necessary.(8)Copy of final order or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of appellate authority.

52B. Revision before Court of Sessions against order of appellate authority.

(1)Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the appellate authority, may within thirty days of the order sought to be impugned, submit a petition for revision to the Court of Sessions within the Sessions division whereof the headquarters of the appellate authority are situate.Explanation. - In computing the period of thirty days under this subsection, the time requisite for obtaining certified copy of order of appellate authority shall be excluded.(2)The Court of Sessions may confirm, reverse or modify any final order or an order of consequential nature passed by the appellate authority.(3)Copies of the order passed in revision shall be sent to the appellate authority and to the authorised officer for compliance or for passing such further orders or for taking such further action as may be directed by such Court.(4)For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973 (No. 2 of 1974).(5)Notwithstanding any thing to the contrary contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52C. Bar to jurisdiction of Court, etc. under certain circumstances.

(1)On receipt of intimation under sub-section (4) of Section 52 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which

the seizure of property which is subject-matter of confiscation, has been made, no Court, Tribunal or Authority (other than the authorised officer), appellate authority and Court of Sessions referred to in Sections 52, 52-A and 52-B) shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated under Section 52, notwithstanding anything to the contrary in this Act, or any other law for the time being in force. Explanation. - Where under any law for the time being in force, two or more Courts have jurisdiction to try forest-offence, then receipt of intimation under sub-section (4) of Section 52 by one of the Courts of Magistrates having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Court. (2) Nothing in sub-section (1) shall affect the power saved under Section 61.

53. Power to release property seized under Section 52.

- Any forest officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, [vehicle] [Substituted by Section 10 of M.P. Act No. 9 of 1965.] or cattle under Section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

54. Procedure thereupon.

- Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law : [Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no intimation under sub-section (4) of Section 52 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made.] [Inserted by Section 5 of M.P. Act No. 25 of 1983.]

55. Forest produce, tools, etc., when liable to confiscation.

- [(1) All timber of forest produce which in either case is not the property of the Government and in respect of which a forest-offence has been committed, and all tools, boats, vehicles, ropes, chains or any other article, in each case used in committing any forest-offence, shall subject to provisions of Sections 52, 52-A, 52-B and 52-C, be liable to confiscation upon conviction of the offender for such forest-offence.] [Substituted by Section 6 of M.P. Act No. 25 of 1983.] (2) Such confiscation may be in addition to any other punishment prescribed for such offence.

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

- When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be

taken charge of by a forest officer, and, in any other case, may be disposed of in such manner as the Court may direct.

57. Procedure when offender not known, or cannot be found.

- When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the forest officer, or to be made over to the person whom the Magistrate deems to be entitled to the same :Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

58. Procedure as to perishable property seized under Section 52.

- The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under Section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

59. Appeal from orders under Section 55, Section 56 or Section 57.

- The officer who made the seizure under Section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under Section 55, Section 56 or Section 57, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on appeal shall be final.

60. Property when to vest in Government.

- [(1) Property ordered to be confiscated by an authorised officer under Section 52, subject to result of proceedings before appellate authority on presentation of appeal or upon 'suo motu' action under Section 52-A and later on revision before Court of Sessions under Section 52-B, shall upon conclusion of proceedings in revision vest in the Government free from all encumbrances :Provided that such vesting shall take effect-

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|--|--|
| (a) where no appeal is preferred or no 'suo motu' action is taken, before an appellate authority | on expiry of period specified for preferring appeal or for taking 'suo motu' action under Section 52-A whichever is later; |
| where final orders are passed by appellate | |
| (b) authority under Section 52-A, but no revision is preferred under Section 52-B | on expiry of period specified for submitting petition for revision under Section 52-B.] |

[Inserted by Section 7 of M.P. Act No. 25 of 1983.](2)[Renumbered by Section 7 of M.P. Act No. 25 of 1983.] When an order for the confiscation of any property has been passed under Section 55 or

Section 57, as the case may be, and the period limited by Section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all encumbrances.

61. Saving of power to release property seized.

- Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the State Government from directing at any time the immediate release of any property seized under Section 52.

62. Punishment for wrongful seizure.

- Any forest officer or police officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may [extend to one year or with fine which may extend to one thousand rupees,] [Substituted by Section 12 of M.P. Act No. 9 of 1965.] or with both.

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

- 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 (45 of 1860)-(a)knowingly counterfeits upon any timber or standing tree a mark used by forest officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or(b)alters, defaces or obliterates any such mark placed on a tree or on limber by or under the authority of a forest officer; or(c)alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

64. Power to arrest without warrant.

(1)Any forest officer or police officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.(2)Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer-in-charge of the nearest police station.(3)Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of Section 30.

65. Power to release on a bond a person arrested.

- Any forest officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of Section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest police station.

66. Power to prevent commission of offence.

- Every forest officer and police officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

67. Power to try offences summarily.

- The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government may try summarily, under the [Code of Criminal Procedure, 1898] [See now the Code of Criminal Procedure, 1973 (No. 2 of 1974)] (5 of 1898) any forest-offence punishable with imprisonment for a term [not exceeding one year or with fine not exceeding one thousand rupees,] [Substituted by Section 13 of M.P. Act No. 9 of 1965.] or both.

68. Power to compound offences.

(1)The State Government may, by notification in the Official Gazette, empower a forest officer-(a)to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in Section 62 or Section 63, 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 further proceedings shall be taken against such person or property.(3)A forest officer shall not be empowered under this section unless he is a forest officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of [five hundred rupees.] [Substituted by Section 14 of M.P. Act No. 9 of 1965.]

69. Presumption that forest-produce belongs to Government.

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

Chapter X

Cattle-Trespass

70. Cattle-trespass Act, 1871 to apply.

- Cattle-trespassing in a reserved forest or in any portion of protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of Section 11 of the Cattle-trespass Act, 1871 (1 of 1871) and may be seized and impounded as such by any forest officer or police officer.

71. Power to alter fines fixed under that Act.

- The State Government may, by notification in the Official Gazette, direct that, in lieu of the fines fixed under Section 12 of the Cattle- trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under Section 70 of this Act, such fines as it thinks fit, but not exceeding the following, that is to say :-

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

Chapter XI

Of Forest Officers

72. State Government may invest forest officers with certain powers.

(1)The State Government may invest any forest officer with all or any of the following powers, that is to say :-(a)power to enter upon any land and to survey, demarcate and make a map of the same;(b)the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;(c)power to issue a search-warrant under the [Code of Criminal Procedure, 1898] [See now the Code of Criminal Procedure, 1973 (No. 2 of 1974).] (5 of 1898); and(d)power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.(2)Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

73. Forest officers deemed public servants.

- All forest officers shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860 (45 of 1860).

74. [Indemnity for acts done in good faith. [Substituted by Section 8 of M.P. Act No. 25 of 1983.]

- No suit, prosecution or other legal proceeding shall lie against any public servant for anything done in good faith or omitted to be done likewise, under this Act or the rules or orders made thereunder.]

75. Forest officers not to trade.

- Except with the permission in writing of the State Government no forest officer shall, as principal or agent, trade in timber or other forest- produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside [the territories to which this Act extends.] [Substituted by ALO 1956.]

Chapter XII

Subsidiary Rules

76. Additional powers to make rules.

- The State Government may make rules-(a)to prescribe and limit the powers and duties of any forest officer under this Act;(b)to regulate the rewards to be paid to officers and informers out of the proceed of fines and confiscation under this Act;(c)for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private-person; and(d)generally, to carry out the provisions of this Act.

77. Penalties for breach of rules.

- Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may [extend to six months, or with fine which may extend to one thousand rupees,] [Substituted by Section 15 of M. P. Act No. 9 of 1965.] or both.

78. Rules when to have force of law.

- All rules made by the State Government under this Act shall be published in the Official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

Chapter XIII

Miscellaneous

79. Persons bound to assist forest officers and police officers.

(1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest forest officer or police officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any forest officer or police officer or not, - (a) to extinguish any forest fire in such forest of which he has knowledge or information; (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest; and shall assist any forest officer or police officer demanding his aid - (c) in preventing the commission in such forest of any forest-offence; and (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender. (2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails - (a) to furnish without unnecessary delay to the nearest forest officer or police officer any information required by sub-section (1); (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest; (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or (d) to assist any forest officer or police officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender; shall be punishable with imprisonment for a term which may [extend to six months, or with fine which may extend to one thousand rupees,] [Substituted by Section 16 of M.P. Act No. 9 of 1965.] or with both.

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

(1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the State Government may either - (a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or (b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein. (2) When the State Government undertakes under clause (a) of sub-section (1) 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 shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

80A. [Penalty for unauthorisedly taking possession of land constituted as reserved or protected forest. [Substituted by Section 17 of M.P. Act No. 9 of 1965.]

(1) Any person who unauthorisedly takes or remains in possession of any land in areas constituted as reserved or protected forest under Section 20 or Section 29, as the case may be, may, without prejudice to any other action that may be taken against him under any other provision of this Act, be summarily ejected by order of a forest officer not below the rank of Divisional Forest Officer and any crop which may be standing on such land or any building or other work which he may have constructed thereon, if not removed by him within such time as such forest officer may fix, shall be liable to forfeiture : Provided that no order of ejection under this sub-section shall be passed unless the person proposed to be ejected is given a reasonable opportunity of showing cause why such an order should not be passed. (2) Any property so forfeited shall be disposed of in such manner as the forest officer may direct and the cost of removal of any crop, building or other work and of all works necessary to restore the land to its original condition shall be recoverable from such person in the manner provided in Section 82. (3) Any person aggrieved by an order of the forest officer under sub-section (1) may, within such period and in such manner as may be prescribed, appeal against such order to the State Government or to such officer as may be authorised by the State Government in this behalf and the order of the forest officer shall, subject to the decision in such appeal, be final. (4) The provisions of this section shall apply to such areas and on such dates as the State Government may, by notification, specify and different dates may be specified for different areas.]

81. Failure to perform service for which a share in produce of Government forest is enjoyed.

- If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed : Provided that no such share, shall be confiscated until the person entitled thereto, and evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the State Government.

82. [Recovery of money due to Government. [Substituted by Section 18 of M.P. Act No. 9 of 1965.]

- All money other than fines, payable to the State Government under this Act, or under any rules made thereunder or, on account of timber or other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable thereunder for breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest-produce by auction or by invitation of tenders, issued by or under the authority of a forest officer and all compensation awarded to the State Government under this Act may, if not paid when

due, be recovered, under the law for the time being in force, as if it were an arrear of land revenue.]

83. Lien on forest-produce for such money.

(1)When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a forest officer until such amount has been paid.(2)If such amount is not paid when due, the forest officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.(3)The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

84. Land acquired under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894.

- Whenever it appears to the State 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 Section 4 of the Land Acquisition Act, 1894 (1 of 1894).

85. Recovery of penalties due under bond.

- When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in the case of a breach of the conditions thereof may, notwithstanding anything in Section 74 of the Indian Contract Act, 1872 (9 of 1872), be recovered from him in case of such breach as if it were an arrear of land revenue.

85A. Saving for rights of Central Government.

- Nothing in this Act shall authorize a Government of any State to make any order or do anything in relation to any property not vested in the State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.

86.

[Repealed]The Schedule-[Repealed.]Notifications[Notification No. F-26-78-99-X-3, dated 27th November, 1999.] [Published in the M.P. Rajpatra (Asadharan) dated 27-11-1999 at page 1517.] - In supersession of the State Government Notification dated 31st January, 1994, under the powers delegated by Section 76(d) of Indian Forest Act, 1927, and under the provision of Rule 3 of Madhya Pradesh Transit (Forest Produce) Rules, 1961 made under Sections 41, 42 and 76 of the said Act, the State Government hereby declares that transit pass shall be required for the transportation of Aonla

fruit.