

## **\*Part I**

### **Indian Forest Act, 1927**

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#### **1.01 Preface:-**

There can be no doubt that forests and forestry are subjects of prime importance for a country and the public interest. The Indian Forest Act, 1927 was enacted after repealing the Indian Forest Act, 1878 for the purpose of consolidating the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest produce. This Act is an important piece of the Central legislation and various State enactments have made amendments to suit their local requirements and some of the States have enacted their own full scale Forest Acts.

#### **1.02 Object:-**

The Indian Forest Act was enacted to preserve and safeguard the forests generally in India. The Act makes various provisions for such conservation of forests and in the scheme it provides for a State Government to constitute any forest land or waste land, which are property of Government or which the Government has proprietary rights, as a reserved forest.

#### **1.03 Salient Features:-**

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

**The Act deals with the subject in following 13 Chapters.**

- (i) **Chapter I** deals with short title and extent of the Act.
- (ii) **Chapter II** deals with the subject of reserved forests.
- (iii) **Chapter III** deals with village forests.
- (iv) **Chapter IV** deals with protected forests.
- (v) **Chapter V** deals with forest and lands not being the property of Government.
- (vi) **Chapter VI** deals with imposition of duty on timber and other forest produce by the Central Government.
- (vii) **Chapter VII** deals with control over timber and other forest produce in transit. Section 41 confers on the State Government the power to make rules to regulate the transit of forest produce.
- (viii) **Chapter VIII** deals with regulation of the rights of owner in drift and stranded timber.
- (ix) **Chapter IX** deals with penalty and procedure and recognize that some forest produce may, in the first instance, not be the property of the Government.
- (x) **Chapter X** deals with applicability of the Cattle Trespass Act, 1871 in a

reserved forest or in any portion of a protected forest which has been lawfully closed to grazing. **Chapter X** also deals with the power of the State Government to issue notification in respect of fines.

- (xi) **Chapter XI** deals with the powers and duties of the Forest Officer.
- (xii) **Chapter XII** empowers the State Government to make subsidiary rules.
- (xiii) **Chapter XIII** deals with moral duties of the citizen to help Forest Officers and Police Officers in carrying out their duties within the purview of the Act. This chapter deals with other miscellaneous matters also.

In this manner the Act contemplates the protection of forest land under certain conditions, whether they be reserved forests, village forests, protected forests or forests of private owners.

Although the Indian Forest Act deals specifically with (i) reserved forests; (ii) village forest, viz., reserved forest which have been assigned to any village community; and (iii) protected forests, the other provisions of the Forest Act are wide enough to cover all categories of forests. This Act is one curtailing proprietary rights of individuals and so the Act and the notifications issued under it must be construed appropriately where the rights of individuals are affected.

#### **1.04 Indian Forest Act 1927:- (Modified upto 27th April 1994)**

**Complete Act as modified upto 27th April 1994 with notes containing legal rulings and opinions and Government orders explanatory of the meaning and scope of the sections has been shown in Annexure IA (1).**

**The list of Sections with Chapters of the Indian Forest Act, 1927 is as follows:-**

#### **CHAPTER I PRELIMINARY**

- 1. Short title and extent
- 2. Interpretation clause
- 2A. Construction of certain references to Central or Bombay Acts

#### **CHAPTER II OF RESERVED FORESTS**

- 3. Power to reserve forests
- 4. Notification by State Government
- 5. Bar of accrual of forest- rights
- 6. Proclamation of Forest Settlement Officer
- 7. Inquiry of Forest Settlement Officer
- 8. Powers of Forest Settlement Officer
- 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. Orders 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. Pleadings
20. Notification declaring forest reserved
21. Publication of translation of such notifications 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 OF GOVERNMENT**

- 34A. Interpretation
35. Protection of forests for special purposes
36. Power to assume management of forests
- 36A. Manner of serving notice and order under section 36
- 36B. Period of control
- 36C. Termination of control
37. Expropriation of forest in certain cases
38. Protection of forests at request of owners

**CHAPTER VI**  
**OF THE DUTY ON THE 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**  
**FOREST-PRODUCE IN TRANSIT**

- 41. Power to make rules to regulate transit of forest produce
- 41A. Power of Central Government as to movements of timber across customs frontiers.
- 42. Penalty for breach 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 COLLECTIONS 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 prescribed penalties

**CHAPTER IX**  
**PENALTIES AND PROCEDURE**

- 52. Seizure of property liable to confiscation
- 53. Power to release property seized under section 52
- 54. Procedure on receipt by Magistrate of report of seizure
- 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
- 61A. Confiscation by Forest Officers of forest- produce where forest- offence is believed to have been committed.
- 61B. Issue of show-cause notice before confiscation under section 61A.

- 61C. Revision
- 61D. Appeal
- 61E. Award of confiscation not to interfere with other punishments
- 61F. Property, etc. confiscated when to vest in Government
- 61G. Bar of jurisdiction in certain cases
- 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 warrant
- 65. Power to release on a bond a person arrested
- 65A. Certain offences to be non-bailable
- 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, 1871, 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.
- 80A. Power of Government to apply provisions of this Act to certain lands of Government or local authority.
- 81. Failure to perform service for which a share in produce of Government forest is enjoyed

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. (Repeals)

#### **1.05 Implementation of Indian Forest Act, 1927 : Illicit Cutting :-**

Following important G.Rs., Circulars, letters etc. dealing with illicit felling on forest land are included as Appendices of this Volume.

##### **Appendices I (i) to I (vi)**

<b><u>Appx.</u></b>	<b><u>Details of Appendix</u></b>	<b><u>Kind</u></b>	<b><u>Date</u></b>
<b><u>I (i)</u></b>	Illicit fellings : Measures for checking of –	St. Order	01-06-1965
<b><u>I (ii)</u></b>	Need for prompt detection and speedy follow-up action in regard to illicit cutting of trees in Government Forests	Circular	18-06-1981
<b><u>I (iii)</u></b>	Need for prompt detection and speedy follow up action in regard to illicit cutting of trees in Government Forests.	Circular	07-03-1988
<b><u>I (iv)</u></b>	Review of Loss due to Illicit Felling in Forest through Quarterly Report (Revised)	Letter	21-07-1997
<b><u>I (v)</u></b>	Revised measures of forest protection	G.R.	08-05-2003
<b><u>I (vi)</u></b>	Directions to decide the value of stumps of illicitly felled trees and of seized material	St. Order	24-04-2009

#### **1.06 Application of the Indian Forest Act to Berar Region of the State: Constitution of “State Forests” into “Reserved Forests”:-**

##### **{Annexure IA (2)}**

In 1911, the Governor General in the Council brought in-force the application of the Indian Forest Act, 1878 to the Berar Region vide G.I.F.D. Notification No. 2197-I-B dated 13-10-1911. After the issue of this notification, all lands declared or constituted as “State Forests” under the Berar Forest Law, 1886 and its amendment in 1891 were deemed to be “Reserved Forests” constituted under the Indian Forest Act, 1878.

**In 1927, new Indian Forest Act came into force and the Indian Forest Act, 1878 was repealed. The Notifications, Orders, Rules made and Actions taken under the Indian Forest Act, 1878 after its repeal were saved by virtue of section 24 of the General Clauses Act, 1897.**

