

**Dated 07.03.2019**

**AMENDMENT TO INDIAN FOREST ACT, 1927**

Section	Indian Forest Act, 1927	Proposed amendment	Comments of State/UT Government
1	2	3	4
	<b>INDIAN FOREST ACT 1927</b>	<b>THE INDIAN FOREST ACT, 2019</b>	
	<p><b>Preamble:</b> An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.</p> <p>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:-</p>	<p><b>Preamble:</b> “An act to provide for conservation, enrichment and sustainable management of forest resources and matters connected therewith to safeguard ecological stability to ensure provision of ecosystem services in perpetuity and to address the concerns related to climate change and international commitments.”</p> <p>WHEREAS it is imperative to conserve forests, to improve the ecosystem services that flow from forests, to ensure environmental stability and wellbeing of people in general and forest dependent people in particular, to meet the national developmental aspirations and the various international commitments, to strengthen and support the forest based traditional knowledge and all matters connected therewith or ancillary or incidental thereto, with peoples’ participation and to provide a comprehensive legislation to deal with issues related to forestry sector and therefore the Indian Forest (Amendment) Act, 2019 is enacted as under:</p>	
		Be it enacted in the year ..... by the Parliament of the Republic of India as follows:	

**CHAPTER I**  
**PRELIMINARY**

Section	Indian Forest Act, 1927	Proposed amendment in IFA with Section(re-arrangement)	Remarks of MoEF&CC/ Core Committee
1	2	3	4
<p><b>1.</b></p> <p>(1)</p> <p>(2)</p> <p>(3)</p>	<p><b>Short title and extent---</b></p> <p>This Act may be called the Indian Forest Act, 1927.</p> <p>It extends to the whole of India except the territories which immediately before the 1<sup>st</sup> November, 1956, were comprised in Part B States.</p> <p>It applies to the territories, which, immediately before 1<sup>st</sup> November, 1956, were comprised in the State 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.</p>	<p><b>1. Short title and extent---</b></p> <p>(1) This Act may be called the Indian Forest (Amendment) Act, 2019.</p> <p>(2) It extends to the whole of India, except the State of Jammu &amp; Kashmir.</p> <p>(3) It shall come into force with effect from .....</p>	
<p><b>2.</b></p> <p>(1)</p>	<p><b>Interpretation Clause---</b></p> <p>In this Act, unless there is anything repugnant in the subject or context,-</p> <p>“cattle” includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;</p>	<p><b>2. Definition---</b></p> <p>In this Act, unless there is anything repugnant in the subject or context,-</p> <p>(1) “cattle” includes domesticated /captive population of buffaloes, bulls, bullocks, cows, oxen and other livestock such as camels, elephants, donkeys, goats, horses, mares, mithuns, mules, pigs, sheep, yaks, or any other domesticated animals notified by Central or State Government and also their young;</p> <p>(2) “claimant” in respect of any land means a person, claiming to be entitled to the land or any other interest therein acquired, owned, settled or possessed or purported to have been acquired, owned, settled or</p>	

		<p>possessed whether under, through or by any lease or license under and in accordance with any provision or any enactment.</p> <p>(3) “community” is a group of persons specified on the basis of Government records living in a specific locality and in joint possession and enjoyment of common property resources, without regard to race, religion, caste, language and culture.</p> <p>(4) “village forest” means the village forests referred to in section 28 of the Indian Forest (Amendment) Act, 2019.</p>	
		<p>(5) “forest” includes any Government or private or institutional land recorded or notified as forest /forest land in any Government record and the lands managed by Government/community as forest and mangroves, and also any land which the Central or State Government may by notification declare to be forest for the purpose of this Act.</p> <p><b>Explanation:</b></p> <p>The term “forest” includes meadows, grassland, watercourses, ponds, lakes, roads etc., situated within such forest.</p> <p>(6) “forest land” means land of any description notified, recorded or identified in accordance with law as forest and forest land and includes reserved forest, protected forest, unclassified or unclassified forests (if any), any land transferred to the forest department for forestry purposes, existing, proposed and deemed forests.</p> <p>(7) “Reserved Forests” means the reserved forests referred to in section 3 of the Indian Forest (Amendment) Act, 2019.</p>	

		<p>(8) “Protected Forests” means the protected forests referred to in section 29 of the Indian Forest (Amendment) Act, 2019.</p> <p>(9) “Unclassed Forests” means all demarcated or un-demarcated forest land or non-forest land, Government or private land legally transferred, handed-over, purchased, acquired or given to the State Forest Department/Union Territory Administration for administration and management; but has not been notified either as “reserve forest” or “protected forests”, duly entered in the forest records; this include the non-forest land or any land transferred for the purpose of compensatory afforestation under Forest (Conservation) Act, 1980. All the provisions of the Chapter-IV of Indian Forest (Amendment) Act, 2019 shall apply to unclassified forest lands.</p> <p>(10) “production forests” may be defined as notified by the Central Government, State Government or Union Territory Administration under Section-34.C (1) for the specific purpose of increasing production of forest produce in the country.</p>	
(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 anything required by this Act or any rule made thereunder to be done by a Forest-officer;	(11) “Forest-officer” means any person whom the Central or the State Government or any officer empowered by the Central or the State Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;	
(3)	“forest-offence” means an offence punishable under this Act or under any rule made thereunder;	(12) “forest-offence” means an offence punishable under this Act or under any rule made thereunder;	
(4)	“forest-produce” includes–	(13) “forest-produce” includes–	

	<p>(a) the following whether found in, or brought from, a forest or not, that is to say:---</p> <p>timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and</p> <p>(b) the following when found in, or brought from, a forest, that is to say :-</p> <p>(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,</p> <p>(ii) plants not being trees (including grass, creepers reeds and moss), and all other parts of produce of such plants,</p> <p>(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey, and wax, and all other parts of produce of animals, and</p> <p>(iv) peat, surface oil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);</p>	<p>(a) the following whether found in, or brought from a forest or not, that is to say:---</p> <p>timber, sawnwood, charcoal, sandalwood, red sanders wood, caoutchouc, catechu, wood-oil, gum, resin, natural varnish, mahua flowers, mahua seeds, kuth, sal-seed, tendu leaves, wild animals, wildlife as defined under the Wildlife (Protection) Act, 1972 and products derived there from except trees including bamboo species grown on non-forest private land including Agro-forestry products. The wood and non-wood products obtained from trees/ plants grown in non-forest private lands and certified as such by the competent authority/Divisional Forest Officer will constitute Agro-forestry products.</p> <p>(b) the following when found in or removed from, a forest, that is to say:-</p> <p>(i) trees, timber, and leaves, herbs, flowers and fruits, and all other parts or produce not herein before mentioned, of trees,</p> <p>(ii) plants not being trees (including grass, bamboos, creepers reeds, moss and lichen) and all parts or produce of such plants</p> <p>Deleted.</p> <p>(iii) peat, humus, fallen leaves, or any other organic matter, soil, sand, rock and major and minor minerals including oil and, all products of mines or quarries not included under any other/ special Act(s).</p>	
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		Explanation: The forest produce will not include agricultural or horticultural crops and their products. Such Agri/Horti-species as may be notified by Central Government and State Government from time to time.	
		(14) “heavy machinery” means tractors, trucks, earth movers, power driven mechanical loaders and excavators and the likes; (15) “land” includes canals, creeks, deltas, estuaries and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, and also includes boulders and rocks.	
		(16) “ license ” means a license /permit granted under this Act;  (17) “licensee” means any person to whom a license is granted under this Act;  (18) “local body” means any organization or committee constituted under Section 80(b) of this Act or under any relevant Act of the Central or the State Government.  (19) “Non Timber Forest Produce (NTFP)” includes all non-timber forest produce including bamboos, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, seeds, pods, barks, climbers and the like and animal origin.	
(4A)	“owner” includes a Court of Wards in respect of property under the superintendence or charge of such Court;	(20) “owner” in relation to a forest produce includes a Forest Rights holder both individual and or community, mortgage in possession, lessee or other person having right to the possession and enjoyment of the usufruct, and a Court of Wards in respect of property under the superintendence or charge of such Court.  (21) “person” includes a, or a forest dwelling Community or any organization registered under the prevalent laws in the State.  (22) “plantation” means a forest crop raised artificially,	

<p>(5)</p>	<p>“river” includes any stream, canal, creek or other channels, natural or artificial;</p>	<p>either by sowing or planting.</p> <p>(23) “pollution” has the same meaning as in the Environment Protection Act, 1986.</p> <p>(24) “river” includes any stream, canal, creek or other channels, natural or artificial;</p> <p>(25) “sawing” means operations of sawing, cutting, converting, fashioning, or seasoning wood with the aid of electrical or mechanical power;</p> <p>(26) “saw-mill” means the plant and machinery with which the premises (including the precincts thereof) in which or in any part of which sawing is carried on with the aid of electrical or mechanical power;</p> <p>(27) “saw pit” means a place where wood is sawn by manually operated saws;</p> <p>(28) “shifting cultivation” means cultivation of forest land by Adivasis/Tribals periodically after the clearing of bushes and trees.</p> <p>(The tribal shall be notified tribes as per Central Government notification).</p>	
<p>(6)</p>	<p>“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</p>	<p>(29) “timber” includes trees when they have fallen or have been felled or uprooted and all wood whether cut up, sawn, sliced, veneered, split, fashioned or hollowed out or partially processed for any purpose or not;</p>	
<p>(7)</p>	<p>“tree” includes palms, bamboos, stumps, brush-wood and canes.</p>	<p>(30) “tree” includes palms, reeds, stumps, brush-wood;</p>	

		<p>(31) "Bark" means the hard outer covering of the woody stem or root.</p> <p>(32) "usufruct" means forest produce that may be obtained from dead plants, or the produce of harvested from living plants including grasses, sedges, lianas, herbs, creepers, vines, shrubs and wood, without uprooting, felling, coppicing, pollarding or destroying, or otherwise debarking or damaging trees in such a manner, so as to hamper or impair its natural growth or to threaten its survival.</p>	
		<p>(33) "vehicle" means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse, mule or any other cattle used for this purpose.</p> <p>(34) "village forest management committee" or "joint forest management committee" means a committee or local body formed and registered under section 80.B of this Act or the Societies Registration Act 1860.</p> <p>(35) "working plan" or a "working scheme" means a detailed written plan of the operations/ management approved by the competent authority to be undertaken on a specified area of forest land with the objective to achieve sustainable forest management (including land allotted for joint forest management) for a specific period ordinarily for 5 years.</p> <p>(36) "fishing" includes collection fish by any means, poisoning water bodies for collecting fish, or any attempt to do so.</p> <p>(37) "waste material" includes solid, liquid or gaseous substances which are discarded after</p>	



		<p>primary use, or any poisonous materials, rubbish, junk, garbage, filth, excreta, toxic industrial rejection, or unwanted/undesired/unusable material, or any substance which causes injury/harm/damage/ otherwise adversely affects the human beings/wildlife/forests/ environment.</p>	
		<p>(38) "wild animal" means any animal specified in schedules of the Wildlife (Protection) Act 1972 and found wild in nature.</p> <p>(39) "habitat" means an ecological or natural area that includes lands, water or vegetation which is the natural home of any wild species of animals, plant or other type of organism for food, water, shelter or reproduction including habitat as defined under the Wildlife (Protection) Act, 1972.</p> <p>(40) "carbon sequestration" means and includes the natural process of removal of carbon from the atmosphere and its deposition in a reservoir, especially into plant body as biomass."</p> <p>(41) "encroachment" means any attempt to or carrying out any activity on forest land, including breaking of lands for any purpose, destruction of vegetation and disturbing soil strata without any authorization of law including title, rights, or concessions.</p>	

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

Section	Indian Forest Act, 1927	Proposed amendment with numbering of re-arranged section	Comments of State/UT Government
1	2	3	4
3.	<p><b>Power to reserve forests--</b></p> <p>The State Government may constitute any forest-land or waste-land which is the property of the 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.</p>	<p><b>3. Power to reserve forests--</b></p> <p>(1) Whenever the State Government considers that any forest area or land by reason of its environmental, ecological, floral, faunal, geo-morphological, botanical, silvicultural, zoological, hydrological association or importance is needed to be constituted as a reserved forest for the purpose of conserving, protecting, propagating or managing the forest, it may constitute such area as reserved forest on any land which is the property of the 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, in the manner hereinafter provided.</p> <p>(2) Where the Central Government, for considerations mentioned in sub-section (1), deems it essential and expedient to constitute a reserved forest, and where the State Government has not constituted such a reserved forest, the Central Government may give directions to the State Government to constitute such reserved forest within a prescribed time and to follow the procedure laid down in this Chapter in this regard.</p>	
4.	<b>Notification by State Government</b>	<b>4. Notification by State Government</b>	

<p>(1)</p>	<p>Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette ---</p> <p>(a) declaring that it has been decided to constitute such land a reserve forest;</p> <p>(b) specifying, as nearly as possible, the situation and limits of such land; and</p> <p>(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 over any forest-produce, and to deal with the same as provided in this Chapter.</p> <p><i>Explanation:</i> For the purpose of clause (b), it shall be sufficient to describe the limits of the land by roads, rivers, ridges, or other well-known or readily intelligible boundaries.</p>	<p>(1) Whenever it has been decided to constitute any land a reserved forest, the State Government or any officer authorized by the State Government in this behalf shall issue a notification in the Official Gazette –</p> <p>(a) declaring that it has been decided to constitute such land a reserve forest;</p> <p>(b) specifying, as nearly as possible, the situation and limits of such land; and</p> <p>(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 over any forest-produce, and to deal with the same as provided in this Chapter.</p> <p><i>Explanation:</i> For the purpose of clause (b), it shall be sufficient to describe the limits of the land by roads, rivers, ridges, or other well-known or readily intelligible boundaries.</p>	
<p>(2)</p>	<p>The officer appointed under clause (c) of sub-section (1) shall ordinarily be a not holding any forest-office except of Forest Settlement-officer.</p>	<p>(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a not holding any forest-office except of Forest Settlement-officer.</p>	
<p>(3)</p>	<p>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.</p>	<p>(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.</p>	
		<p>(4) A Forest-officer hereafter called “presenting</p>	

		officer”, not below the rank of Forest Ranger, as authorized in this behalf by the Divisional Forest Officer, may represent the Forest Department at enquiries conducted under this Chapter. State Government shall complete the process of forest settlement within a period of 3 years from the date of notification under section 4 (1) above.	
5.	<p><b>Bar on accrual of forest rights.</b></p> <p>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.</p>	<p><b>5. Bar on accrual of forest rights.</b></p> <p>(1) After the issue of a notification under section 4,</p> <p>(a) no right shall be acquired in or over the land comprised in such notification, except by succession or intestate 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</p> <p>(b) no house, shed or other structure shall be built or plantation formed, no fresh clearing or breaking of land for cultivation or for any other purpose shall be made on such land nor any tree therein felled, girdled, lopped, tapped or burnt or its bark or leaves stripped off, or the same otherwise damaged, nor any forest produce removed there from, except in accordance with rules made by State Government in this behalf;</p> <p>(c) no person shall set fire or kindle or leave burning any fire in such manner as to endanger or damage such land or forest produce therein.</p>	
		(2) No patta or occupancy right on such land shall be granted by or on behalf of the State Government; nor any lease be granted except in accordance with the recognition, restoration and vesting of Forest Rights, wherever applicable, and related matters under various provisions of “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest	

		<p>Rights) Act, 2006 and rules made in this Act.</p> <p>(3) Save as otherwise provided in this Act, no Civil Court shall from the dates of publication of the notification under section 4 and upto the date of publication of the notification under section 20, entertain any suit to establish any right in or over any land or to the forest produce from any land, included in the notification published under section 4.</p>	
<b>6.</b>	<p><b>Proclamation by Forest Settlement-officer--</b></p> <p>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 ---</p> <p>(a) specifying, as nearly as possible, the situation and limits of the proposed forest;</p> <p>(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and</p> <p>(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.</p>	<p><b>6. Proclamation by Forest Settlement-officer--</b></p> <p>(1) When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local language in every town and village in the neighbourhood of the land comprised therein, a proclamation---</p> <p>(a) specifying, as nearly as possible, the situation and limits of the proposed forest;</p> <p>(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and</p> <p>(c) fixing a period of not less than three months and not more than six 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.</p> <p>(2) State Government shall have the power to extend the period specified under section 6(1) (c) above for a further period of six months in exceptional circumstances recoding the reasons for such extension.</p>	

<b>7.</b>	<p><b>Inquiry by Forest Settlement-officer--</b></p> <p>The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.</p>	<p><b>7. Inquiry by Forest Settlement-officer--</b></p> <p>The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same, including the presenting officer.</p>	
<b>8.</b>	<p><b>Powers of Forest Settlement-officer--</b></p> <p>For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:--</p> <p>(a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and</p> <p>(b) the power of a Civil Court in the trial of suits.</p>	<p><b>8. Powers of Forest Settlement-officer--</b></p> <p>For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:--</p> <p>(a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and</p> <p>(b) the power of a Civil Court in the trial of suits.</p>	
<b>9.</b>	<p><b>Extinction of rights--</b></p> <p>Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20, is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.</p>	<p><b>9. Extinction of rights--</b></p> <p>Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished.</p>	

<p><b>10.</b></p> <p>(1)</p> <p>(2)</p> <p>(3)</p>	<p><b>Treatment of claims relating to practice of shifting cultivation--</b></p> <p>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.</p> <p>On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.</p> <p>If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise ---</p> <p>(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 purpose of the claimants, or</p> <p>(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting</p>	<p><b>10. Treatment of claims relating to practice of shifting cultivation--</b></p> <p>(1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall --</p> <p>(a) entertain claims to the practice of shifting cultivation in the manner hereinafter provided with reference to the forest rights defined and granted under individual or community rights in accordance with to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.</p> <p>(b) in all other cases not covered under the Forest Rights, the Forest Settlement Officer will submit the statement to the State Government, incorporating the view points of the presenting officer and Divisional Forest-officer, together with his own opinion as to whether the practice should be permitted or prohibited, wholly or in part.</p> <p>(2) On receipt of the statement and opinion, the State Government may make an order permitting or prohibiting the practice wholly or in part.</p> <p>(3) If such practice is prohibited under sub-section (2), the State Government ---</p> <p>(a) shall give direction as to the period, not exceeding five years, by which the practice of shifting cultivation is to be extinguished.</p> <p>(b) may give directions for the management of such areas during the proposed period not exceeding five years.</p>	
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	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.	<p>(4) If such practice is permitted, wholly or in part under section (2) then a Forest Settlement-officer shall arrange for its exercise--</p> <p>(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 purpose of the claimants, or</p> <p>(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.</p> <p>Provided that the practice of shifting cultivation shall not be permitted on the slopes exceeding thirty degree and all arrangement made under sub section shall be subject to the previous sanction of the State Government.</p>	
(5)	The practice of shifting cultivation shall in all cases be deemed a privilege to control, restriction and abolition by the State Government.	(5) The practice of shifting cultivation shall in all cases be deemed a privilege to control, restriction and abolition by the State Government.	
<b>11.</b>	<b>Power to acquire land over which right is claimed-</b>	<b>11. Power to acquire land over which right is claimed-</b>	
(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.	(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, after considering the particulars of such claims and the objection, if any, of	



	<p>(2) If such claims is admitted in whole or in part, the Forest Settlement-officer shall either –</p> <p>(i) exclude such land from the limits of the proposed forest; or</p> <p>(ii) come to an agreement with the owner thereof for the surrender of his rights; or</p> <p>(iii) proceed to acquire such land in the manner provided by the existing Land Acquisition Act.</p> <p>(3) For the purpose of so acquiring such land–</p> <p>(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894(1 of 1984).</p> <p>(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;</p> <p>(c) the provisions of the preceding section of that Act shall be deemed to have been complied with; and</p> <p>(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.</p>	<p>the presenting officer or the Divisional Forest-officer.</p> <p>(2) If such claims is admitted in whole or in part, the Forest Settlement-officer shall either –</p> <p>(i) exclude such land from the limits of the proposed forest; or</p> <p>(ii) come to an agreement with the owner thereof for the surrender of his rights; or</p> <p>(iii) proceed to acquire such land in the manner provided by the existing Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.</p> <p>(3) For the purpose of so acquiring such land–</p> <p>(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894).</p> <p>(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;</p> <p>(c) the provisions of the preceding section of that Act shall be deemed to have been complied with; and</p> <p>(d) the Forest Settlement-officer with the free, prior and informed 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, but in case of tribal owner compensation will be awarded only in land of equal value. This may be subject to provisions of</p>	
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		<p>existing Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 but compensation to be accorded based on the value whichever is higher.</p> <p>(4) The provisions of sub-section (3) shall apply also when the Forest Settlement-officer proceeds to acquire any land in consequence of any order passed on appeal or revision under existing Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.</p>	
12.	<p><b>Order on claims to rights of pasture or to forest-produce-</b></p> <p>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.</p>	<p><b>12. Order on claims to rights of pasture or to forest-produce-</b></p> <p>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, after considering the viewpoint of the presenting officer, or the Divisional Forest Officer.</p> <p>Provided that the Forest Settlement-officer shall not admit any claim, in whole or in part, unless after considering the evidence provided to him under section 7, he is satisfied that such claim is within the carrying capacity of the forest.</p>	
13.	<p><b>Record to be made by Forest Settlement-officer-</b></p> <p>The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,-</p> <p>(a) the name, father's name, caste, residence and occupation of the person claiming the right; and</p> <p>(b) the designation, position and area of all fields or</p>	<p><b>13. Record to be made by Forest Settlement-officer-</b></p> <p>The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,-</p> <p>(a) the name, father's name, whether scheduled caste or scheduled tribe or other backward caste, residence and occupation of the person claiming the rights; and</p> <p>(b) the designation, position and area of all fields or</p>	

	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.	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.	
<b>14.</b>	<p><b>Record where he admits claim-</b></p> <p>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 authorized 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.</p>	<p><b>14. Record where he admits claim-</b></p> <p>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 as far as, may be practicable –</p> <p>(a) in case of a right of way, by whom they may be enjoyed, the width of the way, and whether for vehicular traffic or for persons and cattle only, and the conditions, if any, attached to such right;</p> <p>(b) in case of the right of pasture , the number and description of cattle which the claimant is, from time to time, entitled to graze in the forest, the season during which such pasturage is permitted, and any conditions attached to such right;</p> <p>(c) in case of forest-produce, the quantity of timber or other forest-produce, which the claimant is, from time to time, authorized to take or receive, and whether or not such forest-produce other than timber or firewood may be sold or bartered, and such other particulars as may be necessary in order to define the nature, incident and extent of the right and manner in which the forest-produce shall be remove; and</p> <p>(d) in case of water-course, by whom and for what purpose the water-course may be utilized and any condition attached to its use.</p>	
<b>15.</b>	<p><b>Exercise of rights admitted-</b></p> <p>(1) After making such record Forest Settlement-officer shall, to the best of his ability, and having due</p>	<p><b>15. Exercise of rights admitted-</b></p> <p>(1) After making such record Forest Settlement-officer shall, to the best of his ability, and having due regard to</p>	

	<p>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.</p> <p>(2) For this purpose the Forest Settlement-officer may-</p> <p>(a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purpose 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</p> <p>(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 purpose of the claimants; or</p> <p>(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</p>	<p>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.</p> <p>(2) For this purpose the Forest Settlement-officer may-</p> <p>(a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purpose 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</p> <p>(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 purpose of the claimants; or</p> <p>(c) subject to sub-section (3) of this section, 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 to ensure the continuance of such rights subject to the carrying capacity of the proposed forest in question and prevention of its over-use; or</p> <p>(d) record and order, to such claimants a right of way or a water-course, as the case may be, to the extent so admitted and provide some other reasonably convenient right of way or water-course for the purposes of the claimants.</p> <p>(3) The Forest Settlement-officer shall not, except with the prior approval of the State Government admit claims</p>	
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		<p>to right of pasture or to forest-produce in proposed forest if –</p> <p>(a) the claimant is a person of any village or town which does not have a contiguous boundary with such forest; or</p> <p>(b) the claimant is a beneficiary of any village forest or part thereof, so constituted under Chapter IV of this Act.</p>	
<b>16.</b>	<p><b>Commutation of rights-</b></p> <p>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.</p>	<p><b>16. Commutation of rights-</b></p> <p>If, on the representation of the presenting officer, or the Divisional Forest officer, the Forest Settlement-officer is satisfied that the exercise of any right whether individually or collectively, is inconsistent with the conservation of the proposed reserved forest, he shall proceed to acquire such right and shall, subject to such rule, as the State Government may make in this behalf, commute such rights by 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, to maintain the social organization of the forest dwelling communities.</p> <p><b>16(A). Copy of order passed under section 11, section 12, section 15 or section 16-</b></p> <p>A copy of every order passed under section 11, section 12, section 15 and section 16 shall be furnished to the claimants in local language by the Forest Settlement-officer and also to the presenting officer, the Divisional Forest officer.</p>	
<b>17.</b>	<p><b>Appeal from order passed under section 11, section 12, section 15 or section 16-</b></p> <p>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</p>	<p><b>17. Appeal from order passed under section 11, section 12, section 15 or section 16-</b></p> <p>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,</p>	

	<p>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:</p> <p>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.</p>	<p>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 the Forest Tribunal as may be established by the State Govt.</p>	
<b>18.</b>	<b>Appeal under section 17-</b>	<b>18. Appeal under section 17-</b>	
(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.	(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 Forest Tribunal.	
(2)	If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.		
(3)	If the appeal be to the Forest Court the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.	(2) Forest Tribunal shall fix a day and a convenient place 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	(3) The order passed on the appeal by the Forest Tribunal 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.	Tribunal, as the case may be, shall, subject only to revision by the State Government.	
<b>19.</b>	<p><b>Pleaders-</b></p> <p>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.</p>	<p><b>19. Pleaders-</b></p> <p>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 Forest Tribunal, in the course of any enquiry or appeal under this Act.</p>	
<b>20.</b>	<p><b>Notification declaring forest reserved-</b></p> <p>(1) When the following events have occurred, namely:-</p> <p>(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;</p> <p>(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</p> <p>(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, have become vested in the Government under section 16 of that Act,</p>	<p><b>20. Notification declaring forest reserved-</b></p> <p>(1) When the following events have occurred, namely:-</p> <p>(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;</p> <p>(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</p> <p>(c) if the period prescribed under sub-section (3) of section 10 for extinguishing the practice of shifting cultivation has elapsed;</p> <p>(d) all lands, building (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 have become vested in the Government under section 16 of that Act,</p>	

	<p>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.</p> <p>(2) From the date so fixed such forest shall be deemed to be a reserved forest.</p>	<p>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/land which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.</p> <p>(2) From the date so fixed such forest or land shall be deemed to be a reserved forest and requisite alteration shall be made in the revenue records and maps. After notification, such forest/land shall be deemed as recorded as reserved forest in revenue records for all the purposes.</p>	
<b>21.</b>	<p><b>Publication of translation of such notification in neighbourhood of forest-</b></p> <p>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.</p>	<p><b>Publication of translation of such notification in neighbourhood of forest-</b></p> <p>The Divisional Forest-officer shall before the date specified in the notification issued under section 20, cause a translation thereof into the local language to be published at a conspicuous place in every town and village in the neighbourhood of the reserved forest.</p>	
<b>22.</b>	<p><b>Power to revise arrangement made under section 15 or section 18-</b></p> <p>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 and order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 to be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 to be commuted under section 16.</p>	<p><b>22. Power to revise arrangement made under section 15 or section 18-</b></p> <p>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 and order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 to be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 to be commuted under section 16.</p>	



		<p><b>22 (A). Recording of individual and community forest rights recognized and accepted under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-</b></p> <p>(1) The Divisional Forest Officer shall, as soon as may be practicable, make a record of all the individual and community rights recognized and accepted in respect of reserved forest land in his jurisdiction under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The records shall include:-</p> <p>(a) the name, father's name, caste, whether scheduled tribe or not, residence and occupation of the person whose rights are recognized and accepted; and</p> <p>(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), including maps clearly delineating such areas on revenue and forest maps, in respect of which such rights are recognized and accepted.</p> <p>(2) If, the State Government, after consultation with the Central Government, is satisfied that the exercise of any right whether individually or collectively is inconsistent with the conservation of the proposed reserved forest, may proceed to acquire such right and shall, subject to such rule, as the State Government may make in this behalf, commute such rights by payment to such persons, of a sum of money in lieu thereof, or by the grant of land, or in such other manner as it thinks fit, to maintain the social organization of the forest dwelling communities; or alternatively set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purpose of such forest dwellers, and</p>	
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		record an order conferring upon them a right of pasture or to forest-produce, as the case may be, to the extent so admitted; or so alter the limits of the reserved forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purpose of the claimants.	
23.	<p><b>No right acquired over reserved forest, except as here provided-</b></p> <p>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.</p>	<p><b>23. No right acquired over reserved forest, except as here provided-</b></p> <p>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 by, or on behalf of some person in whom such right vested when the notification under section 20 was published, or by succession from such person;</p> <p>Provided that no lease, diversion shall be granted by the State Government for any land included within the reserved forest without the prior approval of the Central Government. Every lease granted without such approval shall be null and void.</p>	
24.	<p><b>Rights not to be alienated without sanction-</b></p> <p>(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:</p> <p>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.</p> <p>(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.</p>	<p><b>24. Rights not to be alienated without sanction-</b></p> <p>(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, pledge or otherwise, without the sanction of the State Government. However, inheritance of such rights shall be protected.</p> <p>(2) No 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 (c).</p>	

		(3) Any person selling or bartering any forest produce in contravention of this provision shall be liable to punishment prescribed in section 78.	
25.	<p><b>Power to stop ways and water-courses in reserved forests-</b></p> <p>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.</p>	<p><b>Power to stop ways and water-courses in reserved forests-</b></p> <p>The Divisional 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.</p>	
26.	<p><b>Acts prohibited in such forests-</b></p> <p>(1) Any person who –</p> <p>(a) makes any fresh clearing prohibited by section 5, or</p> <p>(b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;</p> <p>or who, in a reserved forest–</p> <p>(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;</p>	<p><b>26. Acts prohibited in such forests-</b></p> <p>(1) Any person who except for the provisions made for exercise of the forests rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006,-</p> <p>(a) makes any fresh clearing prohibited by section 5, or encroaches the forest land</p> <p>(b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;</p> <p>or who, in a reserved forest–</p> <p>(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;</p>	

	<p>(d) trespasses or pastures cattle, or permits cattle to trespass;</p> <p>(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;</p> <p>(f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;</p> <p>(g) quarries stone, burns lime or charcoal, or, collects, subjects to any manufacturing process or removes, any forest-produce;</p> <p>(h) clears or breaks up any land for cultivation or any other purpose;</p> <p>(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</p> <p>(j) in any area in which the Elephant's Preservation Act, 1879, is not in force, kills or catches elephants in contravention of any rules so made;</p>	<p>(d) trespasses or pastures cattle, or permits cattle to trespass;</p> <p>(e) causes any damage by negligence in felling any tree or cutting, or dragging, or removal of any timber;</p> <p>(f) uproots, fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;</p> <p>(g) quarries any major or minor mineral, stones or sand or burns lime or charcoal, or collects, damages, subject to any manufacturing process or removes, forest produce using heavy machinery;</p> <p>(h) clears or breaks up any land for cultivation or any other purpose or cultivates or attempts to cultivate any land in any other manner or put any shed or other structure for any purpose or encroaches upon forest or land or any part thereof in any manner;</p> <p>(i) damages, alters, or removes any wall/boundary wall, pillar, ditch, embankment, fence, hedge, railing, or any structure, temporary or permanent in nature constructed for demarcation of boundary, including cairns and kayyalas; or</p>	
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		<p>(j) removes any forest produce without any authority except under recognised forest rights; or</p> <p>(k) knowingly receives or has in possession any forest produce illicitly removed from a reserved forest; or</p> <p>(l) enters with gun or explosives; or</p> <p>(m) other than in a Sanctuary or National Park, feeds, teases, or molests any wild animals;</p> <p>(n) enters for fishing, poisoning rivers or water bodies for fishing, or collects fish from the rivers or any water bodies within, or attempts to do so, except when such a right has been recognised under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;</p> <p>(o) drives vehicle carelessly and dangerous to wild animals, or (s) contravenes the provision of clause (b) or clause (c) of sub-section (1), and sub-section (2) of section 5;</p> <p>(p) any act done in exercise of forest rights or by permission in writing of the forest-officer, or under any rule made by the State Government;</p> <p>(q) litters or dumps plastic or any other waste material on the ground, or poisons or dumps plastic and other waste material into the water bodies and streams within or flowing into them, or uses explosives or uses forest area as dumping ground for waste and undesirable substances so as to cause pollution in the forest;</p>	
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	<p>Shall be punishable with imprisonment for a term which may extend to six month, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</p> <p>(2) Nothing in this section shall be deemed to prohibit-</p> <p>(a) any act done by permission in writing of the forest-officer, or under any rule made by the State Government; or</p> <p>(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.</p> <p>(3) Whenever fire is caused willfully or by gross negligence in a reserved forest, the State Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.</p>	<p>Shall be liable to punishment prescribed under section 78. In case of offence under clause (1), in addition to such compensation for damages caused to the forest as the Court may direct to be paid, liable to punishment prescribed under section 78.</p> <p>Provided further that in areas notified under section 4 of the Act, provisions of clauses (b), (g) &amp; (h) of section 26 (1), shall be applicable and any contravention thereof shall be liable to punishment prescribed under section 78.</p> <p>(2) Nothing in this section shall be deemed to prohibit-</p> <p>(a) any act done by permission in writing of the forest-officer, or under any rule made by the State Government; or</p> <p>(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.</p> <p>(3) Whenever fire is caused willfully or by gross negligence in a reserved forest, or theft of forest produce or grazing by cattle occur on such a scale as to imperil the regeneration and future yield of such forest, the State Government may (notwithstanding that any penalty has been inflicted under section 78) 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 a period as it may thinks fit.</p> <p>(4) Where a person contravenes the provisions of clause (a), clause (g) or clause (h) of sub-section (1), without prejudice to any other action that may be taken against</p>	
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		<p>him under other provisions of this Act, a Forest Officer not below the rank of a Ranger, or a Police-officer not below the rank of a Sub-Inspector, or a Revenue-officer not below the rank of Tehsildar, may evict the person from the forest or that land, pertaining to which the contravention has taken place and remove any building or other construction or anything grown or deposited on it.</p> <p>(5) Any person aggrieved by any action taken against him under sub-section (4) may, within thirty days from the date of such action, appeal to the Divisional Forest Officer having jurisdiction over the area in which the property is located and the Divisional Forest Officer shall, after giving an opportunity to the appellant and hearing the officer who has taken action under sub-section (4), pass such order as he may think fit, confirming modifying or annulling such action taken under sub-section (4).</p> <p>(6) Where any agricultural or other crop is grown on the land or any building or other structure is set up in contravention of sub-section (1), such crop, building or other structure shall, without prejudice to any other action that may be taken against the offender under other provision of this Act, be liable to confiscation or removal by the order of the Forest-officer not below the rank of Assistant Conservator of Forests.</p>	
27.	<b>Power to declare forest no longer reserved-</b>	<b>27. Power to declare forest no longer reserved-</b>	
(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;	<p>(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;</p> <p>Provided that no such notification shall be issued unless a permission has been obtained from the Central Government under the Forest (Conservation) Act, 1980.</p>	

(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.	(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.	
		<p><b>27(A). Declaring conservation area for carbon sequestration-</b></p> <p>The State Government may, by notification in the official gazette declare any area as conservation area for the purpose of enhanced carbon sequestration and such area shall be brought under active forest management for enhancing vegetational growth by reforestation and afforestation.</p>	
		<p><b>27 (B). Certain forest deemed to be reserved forest-</b></p> <p>The forest areas which have previously been declared as reserved forests or the process has been initiated to reserve such forests under any Act shall be deemed to have been declared as reserved forests or under this Act with effect from the date of coming into force of this Act.</p>	



**CHAPTER III**  
**Of VILLAGE FORESTS**

Section	Indian Forest Act, 1927	Proposed amendment	Comments of State/UT Government
1	2	3	4
28.  (1)	<p><b>Formation of village-forests-</b></p> <p>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.</p>	<p><b>28. Formation of village-forests-</b></p> <p>(1) (a) 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 as village-forests and modify and amend such constitution of village-forests.</p> <p>Provided that such village forest shall exclude those areas that have already been under the claims of community under the “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006.</p> <p>(b) Such village-forests shall be managed by the community through Joint Forest Management Committee by whatever description, constituted in consultation with Gram Sabha and the Forest Department, as per the provisions prescribed by the Rule.</p> <p>Debate: in consultation with GS and FD or in consent with GS.</p> <p>(c) The Joint Forest Management Committee (JFMC) shall exercise the community forest rights in a sustainable manner in such village forests and share benefit commensurate with the efforts of such members of the JFMCs as may be prescribed by the Rules.</p>	

		<p>(d) <b>Power to make rules and/or issue directions:</b></p> <p>(i) The State Government may, by notification in the Official Gazette, make rules or issue directions/orders for carrying out the provisions of this Chapter of the Act.</p> <p>(ii) In particular, and without prejudice to the generality of the provisions of sub-section (1), such rules may provide measures with respect to all or any of the matters which <i>inter alia</i> includes manner of constituting JFMC; management plan; usufructs and other benefit sharing mechanism; rights and responsibilities of JFMC and/or user groups; nature of existing rights either by law or usage and custom having the force of law; manner of constituting any specialized user group and/or district or state level coordinating body, regulatory functions of the JFMC; financial management including generation of resources, budget and manner of utilisation of funds of the JFMC or any user group(s) constituted under this Chapter; membership of JFMC or user groups; incentive structures for better functioning of the JFMC and/or User Groups; setting up of SHGs and other micro credit enterprises for forest based activities; grievance redressal mechanism and any other rule, in so far as they are not inconsistent with provisions of this Chapter, for furthering sustainable forest management through community forest management.</p> <p>(e) Prior to the notification of the village-forest in accordance with the clause (a), the State Government, or an officer authorized by it on this behalf, shall determine the nature and extent of the rights of the Government or of private persons or village other than the villages to whom said forest is to be entrusted for management, and shall record the same. The village shall be represented by its Gram Sabha or any other local body such as village forest committee constituted under section 80B</p>	
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		<p>of this Act. The said notification of the village forest shall not be made unless the rights of the other villages, if any, are either extinguished or where it is not possible, two or more villages mutually agree to share the usufructory rights over the area in question and also to protect and manage the forest in question in accordance with the provisions of clause (f). Rights of individuals, if any, shall be either extinguished or recorded and provided in such manner as may be prescribed in the rules made for this purpose by the State Government.</p> <p>(f) The protection, management and other transactions in relation to village forest shall be the responsibility of the community and the local body such as the village forest committee or the Gram Sabha acting as the local body. The day-to-day management of the village forest may be done by an executive committee appointed by the local body.</p> <p>(g) The Forest officer not below the rank of Assistant Conservator of Forest may levy a compensation, not exceeding ten thousand rupees, on any person who violates any of the provisions of the rules made under sub-section (2) of section 34.B, section 76 and section 76.A for carrying out the provisions in this Chapter, provided that when such act or omission also violates any other provisions of this Act, or the rules made there under, the local body shall report the matter to the Forest-officer.</p> <p>Where the State Government, or an officer authorized by it on this behalf, is satisfied that the local body or the residents of the village forest are either unable to protect the village forest or to abide by the management plan prescribed for it, the State Government or the authorized officer, as the case may be, may pass orders for taking over management of the village forest.</p>	
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<p>(2)</p>	<p>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</p>	<p>Provided that the State Government or the authorized officer, as the case may be, shall hear the villagers or the local body concerned, as the case may be, prior to passing such an order.</p> <p>(h)(i) The State Government shall define the procedure for registration of Joint Forest Management Committee and the competent authority for this purpose. The tenure of the JFMC shall be 5 years.</p> <p>(ii) The parameters for functioning of JFMCs shall be defined and the Registration Authority shall monitor these factors at regular intervals, to be specified by the State Government.</p> <p>(iii) Since the State Government is involving participation of JFMCs in forest management, which is a public ecological asset and has to be managed on long term perspective. In case of failure of implementation of stipulated provisions, conditions, encroachments, illicit felling, misuse of assets, misappropriation and other forest and wildlife crimes, etc., the State Government can appoint the competent authority to cancel the registration of JFMC.</p> <p>(iv) In case of cancellation of the registration of JFMC, it can submit appeal to the Appellate Authority within 60 days of the passing of the order by the Registration Authority. The Appellate Authority shall pass appropriate order within the time period of 180 days.</p> <p>(2) The State Government shall 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</p>	
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<p>(3)</p>	<p>improvement of such forest.</p> <p>All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.</p>	<p>forest.</p> <p>Provided that if the village forest belongs to village panchayat or community, the condition for providing timber or other forest produce or pasture to community, and their duties for the protection, management of such forest shall be decided by the village panchayat in consultation with the forest department and local body, if any. If no such condition is passed by the panchayat, the conditions prescribed by the State Government shall be applicable.</p> <p>The State Government or an officer authorized by the Government in this regard, may notify the Member(s) of a JFMC as Honorary Forest Warden who shall have powers of a Forest Officer according to the rules made by the State Government in this regard and they shall be entitled to honorarium as may be determined by the State Government.</p> <p>(3) The State Government, may declare application of any or relevant provisions of this Act relating to reserved forests or protected forests to notified village forests so far as they are not inconsistent with the rules so made and in the interest of conservation and sustainable use of such village-forests.</p> <p>(4) Any contravention of the provisions of this chapter or rules and regulation made by the State Government under this chapter and under section 76.A shall be liable to punishment prescribed in section 78.</p> <p>"Notwithstanding anything contained in this section, the powers of the District Council and the Regional Council to make laws relating to management of any forest not being a reserved forest and laws regulating the practice</p>	
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		of jhum or other forms of shifting cultivation, as provided in Clause 3 of Schedule VI of the Constitution of India shall remain unaffected and shall continue to be governed by the said Schedule."	
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**CHAPTER IV  
OF PROTECTED FORESTS**

Section	Indian Forest Act, 1927	Proposed amendment	Comments of State/UT Government
1	2	3	4
<p><b>29.</b></p> <p>(1)</p>	<p><b>Protected Forests--</b></p> <p>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.</p>	<p><b>29. Protected Forests--</b></p> <p>(1)(a) 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.</p> <p>(b) Where the Central Government deems it essential and expedient to constitute a protected forest and where the State Government has not constituted such a protected forest, the Central Government may give directions to the State Government to constitute such a protected forest within a prescribed time and to follow the procedure laid down in this Chapter in this regard.</p> <p>(c) Where the Central Government deems it necessary to convey directions for management or protection of contiguous forests in a landscape approach, the Central Government may give directions to the State Government to pursue an integrated and comprehensive method of covering all land use forms, including protected areas, in a given landscape.</p> <p>Explanation - The landscape approach will address</p>	

	<p>(2) The forest-land and waste-land comprised in any such notification shall be called a “protected forest”.</p> <p>(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such a manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:</p> <p>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 meantime 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</p>	<p>conservation, sustainable use and production as well as other land-use needs, and will benefit local communities in such planning and management exercises. A landscape approach will provide for the protection of ecological stability, ensure ecosystem services processes that operate on a larger scale and longer timelines, including acting as buffers to climate changes.</p> <p>(2) The forest or land comprised in any such notification, specifying the situation and limits of the forest or land, shall be called a ‘protected forest’.</p> <p>(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such a manner as the State Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:</p> <p>provided that, if in the case of any land the State Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the forest or biomass productivity or unduly delay the ecological revival of such land, the State Government or any officer authorized in that behalf, may, pending such inquiry and record, declare such land to be protected forest, but so as not to abridge or affect any existing rights of individuals or communities.</p> <p>Notwithstanding anything contained in sub-section (3), no claim or right to pasture or to forest-produce shall be admitted in such protected forest or part thereof, whenever it is preferred by a person who is a beneficiary of a village forest or part thereof so constituted under Chapter IV of this Act or beneficiary of a Joint Forest Management area under this Act.</p>	
<p><b>30.</b></p>	<p><b>Power to issue notification reserving trees, etc.--</b></p>	<p><b>30. Power to issue notification declaring conservation</b></p>	



	<p>The State Government may, by notification in the Official Gazette, --</p> <p>(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;</p> <p>(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</p> <p>(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.</p>	<p><b>area, reserving trees, etc.</b></p> <p>The State Government may, by notification in the Official Gazette,</p> <p>(a) declare any trees or class of trees or any forest produce in a protected forest to be reserved from a date fixed by the notification;</p> <p>(b) declare that any portion of such forest specified in the notification shall be closed to grazing and removal of any forest produce for such term as the State Government thinks fit for revival and conservation of the forest 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 or land be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or</p> <p>(c) prohibit, from a date fixed as aforesaid, the quarrying of any major or minor mineral, 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 protected forest.</p>	
31.	<p><b>Publication of translation of such notification in neighbourhood-</b></p> <p>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.</p>	<p><b>31. Publication of translation of such notification in neighbourhood-</b></p> <p>The Collector or any other officer authorized by the State Government 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.</p>	

32.	<p><b>Power to make rules for protected forests-</b></p> <p>The State Government may make rules to regulate the following matters, namely:-</p> <p>(a) The cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;</p> <p>(b) the granting of licences to the inhabitants of towns and village in the vicinity of protected forest to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;</p> <p>(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;</p> <p>(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;</p> <p>(e) the other payment, if any, to be made by them in respect of such trees, timber and produce, and produce, and the places where such payments shall be made;</p> <p>(f) the examination of forest-produce passing out of such forests;</p> <p>(g) the clearing and breaking up of land for cultivation or other purposes in such forests;</p> <p>(h) the protection from fire of timber laying in such forests and of trees reserved under section 30;</p> <p>(i) the cutting of grass and pasturing of cattle in such forests;</p>	<p><b>Power to make rules for protected forests-</b></p> <p>The State Government may make rules to regulate the following matters, namely:-</p> <p>(a) The cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;</p> <p>(b) the granting of licences to the inhabitants of towns and village in the vicinity of protected forest to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;</p> <p>(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;</p> <p>(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;</p> <p>(e) the other payment, if any, to be made by them in respect of such trees, timber and produce, and produce, and the places where such payments shall be made;</p> <p>(f) the examination of forest-produce passing out of such forests;</p> <p>(g) the clearing and breaking up of land for cultivation or other purposes in such forests;</p> <p>(h) the protection from fire of timber laying in such forests and of trees reserved under section 30;</p> <p>(i) the cutting of grass and pasturing of cattle in such forests;</p>	
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	<p>(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephant's Preservation Act, 1879, is not in force;</p> <p>(k) the protection and management of any portion of a forest closed under section 30; and</p> <p>(l) the exercise of rights referred to in section 29.</p>	<p>(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of wild animal within the provision of the Wildlife (Protection) Act, 1972 as amended from time to time.</p> <p>(k) the protection and management of any portion of a forest closed under section 30; and</p> <p>(l) the exercise of rights referred to in section 29.</p>	
<b>33.</b>	<b>Penalties for acts in contravention of notification under section 30 or of rules under section 32-</b>	<b>33. Penalties for acts in contravention of provisions of this chapter (Chapter IV) or the rules made there under-</b>	
(I)	Any person who commits any of the following offences, namely :-	(I) Any person who commits any of the following offences, namely :-	
	<p>(a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from , or otherwise damages, any such tree;</p> <p>(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;</p> <p>(c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;</p> <p>(d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree</p>	<p>(a) fells, girdles, lops, splits, taps, burns, uproots any tree or part thereof reserved under section 30 of this Chapter or strips off the bark or leaves from, or otherwise damages a tree which would jeopardize its growth or exercise or removes any such tree or other forest-produce therefrom;</p> <p>(b)(i) mines or quarries any major or minor mineral, or burns any lime or charcoal, or collects, or subjects to manufacturing process;</p> <p>(ii) mines or quarries any major or minor mineral, or burns any lime or charcoal, or collects, or subjects to manufacturing process using heavy machinery</p> <p>(c) clears or breaks up for cultivation or any other purpose or cultivates or attempts to cultivate any land in any other manner or put any shed or other structure for any purpose or encroaches upon forest or land or any part thereof in any manner;</p> <p>(d) sets fire to protected forest, or kindles a fire without taking adequate precautions to prevent its spread;</p>	

<p>(2)</p>	<p>reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest;</p> <p>(e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;</p> <p>(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(g) Permits cattle to damage any such tree;</p> <p>(h) infringes any rule made under section 32;</p> <p>shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.</p> <p>Whenever fire is caused willfully 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</p>	<p>(e) leaves burning any fire kindled by him in the forest or in close vicinity of such forest;</p> <p>(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(g) permits cattle to graze in the area closed under clause (b) of section 30 or causes damage to any forest-produce therein, through such grazing in such area, or to any tree reserved under clause (a) of section 30, or to the forest produce therefrom;</p> <p>(h) infringes any rule made under clause (c) of sub-section (2) or section 76. A, or infringes any rule made under section 32;</p> <p>(i) removes any forest produce without any authority or infringes any rule made under section 32.</p> <p>(j) knowingly receives or has in possession any forest produce illicitly removed from a protected forest;</p> <p>(k) uses forest area as dumping ground for waste and undesirable substances so as to cause pollution in the forest</p> <p>shall be, in addition to such compensation for the damages caused to the forest as the Court may direct to be paid, liable to punishment prescribed in section 78.</p> <p>(2) Whenever fire is caused willfully or by gross negligence in a protected forest, or theft of forest produce or grazing of cattle occurs on such a scale to be likely to imperil the future yield of such forest, the State Government may</p>	
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	<p>right of pasture or to forest-produce shall be suspended for such period as it thinks fit.</p>	<p>(notwithstanding that any penalty has been inflicted under section 78) 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 may deem fit.</p> <p>(3) Where a person contravenes the provision of clause (b) or (c) or (h) of sub-section (1), without prejudice to any other action that may be taken against such person under the provisions of this Act, a Forest-officer not below the rank of a Ranger; or a Revenue-officer not below the rank of a Tehsildar, may evict the person from the forest or the land, pertaining to which the contravention has taken place and remove any building or other construction or anything grown or deposited on it.</p> <p>(4) Where any agricultural or other crop is grown on the land in contravention of clause (c) of sub-section (1) or any building or other structure is set up on such land, such crop, building or other structure, notwithstanding any penalty that may be inflicted for the same under this Act, shall be liable to confiscation by an order of the Forest-officer not below the rank of Assistant Conservator of Forests.</p> <p>(5) Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with the rules made by the State Government under section 32 or section 76.A; or in exercise of any right, unless suspended under sub-section (2), or under section 29, or created by grant or contract in writing made by or on behalf of the Government.</p>	
<p><b>34.</b></p>	<p><b>Nothing in this Chapter to prohibit acts done in certain cases-</b></p> <p>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 the rules made under section 32, or, except as regard any portion of a forest closed under section 30, or as regard any rights the exercise of which has been</p>	<p><b>34. Nothing in this Chapter to prohibit acts done in certain cases-</b></p> <p>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 the rules made under section 32, or, except as regard any portion of a forest closed under section 30, or as regard any rights the exercise of which has been suspended</p>	

	<p>suspended under section 33, in the exercise of any right recorded under section 29.</p>	<p>under section 33, in the exercise of any right recorded under section 29.</p> <p><b>34(A). Power to declare forest no longer protected-</b></p> <p>(1) The State Government may by notification in the official Gazette, direct that, from a date fixed by such notification, any land or any portion thereof protected under this Act shall cease to be a protected forest;</p> <p>Provided that no such notification shall be issued unless a approval has been obtained from the Central Government or any other officer so empowered by the Central Government in this behalf;</p> <p>Provided further that no such approval shall be granted by or on behalf of the Central Government for regularization of unauthorized occupation of any protected forest or portion thereof, if such occupation is a period after coming into force of this Act, without prior approval of the Central Government.</p> <p>(2) From the date so fixed such forest or land or the portion thereof shall cease to be a protected forest.</p> <p>(3) Whenever any protected forest or any portion thereof ceases to be a protected forest by virtue of a notification issued under sub-section (1), the State Government shall, constitute other lands equal in area as protected forest in accordance with the provisions of this Chapter.</p> <p>(4) The Head of the Forest Department of the State concerned from time to time but before expiry of every ten years, shall review as which of the protected forests notified under section 29 need to be constituted as reserved forests and forward his recommendations in this regard to the State Government. On receipt of such a proposal, the State Government, within a period of six months, shall direct either to start proceedings as per the provisions of Chapter II for constituting a reserved</p>	
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		<p>forest in such protected forest or part thereof as deemed fit, or direct the Head of the Forest Department of the State concerned to review his proposal, in respect of such protected forest or part thereof as may be considered necessary, and record the reasons therefore, or decide not to proceed according to such recommendation for the reasons to be recorded in this respect;</p> <p>Provided that whenever the State Government disagrees with the recommendations of the Head of the Forest Department, in whole or in part, the reasons therefore shall be forwarded to the Central Government.</p>	
		<p><b>34(B). Certain forest deemed to be protected forest-</b></p> <p>The forest areas which have previously been declared as protected forests under any Act shall be deemed to have declared as protected forest under this Chapter with effect from the date of coming into force of this Act subject to the same rights, privileges or concessions, if any in favour of any person as were in force immediately before the said date.</p> <p><b>Explanation:</b> Any question as to the existence or extent of any right or concessions referred to in this sub-section shall be determined by the State Government, whose decision, given after such enquiry, if any, as it deems fit, shall be final.</p>	

**CHAPTER IV A  
OF PRODUCTION FORESTS**

Section	Indian Forest Act, 1927	Proposed amendment with section(existing/ re-arranged)	Comments of State/UT Government
		<p><b>34(C). Power to notify Production Forest-</b></p> <p>(1) The State Government shall notify “Production Forests” with specific objective for production of timber, pulp, pulpwood, firewood, Non-timber Forest Produce, medicinal plants or any forest species to increase production in the country, for specified period. The area of “production forests” shall be notified after considering the forest productivity and privileges of the local communities.</p> <p>(i) The “production forests” may be notified in reserve forests, protected forests and unclassed forests.</p> <p>(ii) The provisions of The Indian Forest (Amendment) Act, 2019; Wildlife (Protection) Act, 1972 and Forest (Conservation) Act, 1980 shall apply to the forest land of production forests. The forest land of the “production forests” shall not be mortgaged, pledged or kept as collateral security or adverse rights cannot be created for raising finances.</p> <p>(iii)The State Government or Union Territory Administration may impose the taxes, levies or cess on the forest land of such “production forests”.</p> <p>(2) The production forests after the notification under Section 34(C)(1), may be assigned as per the provisions of the Forest (Conservation) Act, 1980 to achieve the specified objective mentioned in section 34(C)(1) <i>supra</i>.</p> <p>(3) That after the notification of production forests under section 34(C)(1), the working plan/working scheme of the forest area may be modified with the prescriptions to achieve the specified objectives set for the management. The prior approval of the Central Government shall be obtained for operation of working plan/working scheme, before initiating</p>	



	action for treatment of forest crop.	
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**CHAPTER IV B  
REGULATION OF SHIFTING CULTIVATION AND FOREST LAND DEGRADATION**

Section	Indian Forest Act, 1927	Proposed amendment	Remarks
1	2	3	4
		<p><b>34(D). Procedure to regulation the practice of shifting cultivation.</b></p> <p>(1) The Central Government, under the powers vested in sub-section (1) and (2) of section 76 of this Act shall, by notification, constitute an authority of experts in order to study in depth the practice of shifting cultivation over forest areas.</p> <p>(2) The authority constituted under sub-section (1), shall go through all the reports available on the shifting cultivation and based on it make specific studies of the prevalent methods of shifting cultivation of the practice on merit within one year from the date of appointment of the authority or such time as specified by the Central Government. it shall also recommend the restrictions on the practice for its continuance, wherever necessary, including the areas where the shifting cultivators have switched over to settled cultivation.</p> <p>Provided that no shifting cultivation shall be recommended in forests which had not been subjected to shifting cultivation in past twenty years.</p> <p>(3) The Central Government shall take a decision on the recommendation of the authority within a period of one year in consultation with the concerned States and give directions to them, under the powers vested in sub-section (3) of section 76 of this Act to implement the decision.</p> <p>(4) The State Government may appoint a State level expert committee to work out site specific details and mechanism for the implementation of the direction of the Central</p>	

		<p>Government and submit its report within one year from the date of appointment of the committee or such time as specified by the State Government whichever is earlier.</p> <p>(a) the State level expert committee shall also identify portion of land to be allotted to shifting cultivators for settled cultivation with improved agricultural practices. The balance of the area recovered shall primarily be used for forestry purposes.</p> <p>(b) wherever the erstwhile shifting cultivation land have been brought under the settled cultivation, the State level expert committee shall suggest scientific agricultural practices for the maintenance of the land productivity and measures to be taken for soil conservation.</p> <p>(5) Wherever shifting cultivators shift to the settled cultivation in forest areas under the restrictions outlined in sub-section (2) and the provisions of clauses (a) and (b) of sub-section (4), abandoning the practice of shifting cultivation in the terrain, the clearance under the Forest (Conservation) Act, 1980 for the area under settled cultivation may be considered on the request of the State Government.</p> <p>(6) The State Government may prohibit or put further restriction on the practice of shifting cultivation permitted under sub-section (2), wherever necessary.</p> <p>(7)Wherever shifting cultivation is permissible with restrictions under sub-section (2) the State Government may make rules/regulations, to be followed by the shifting cultivators, for the implementation of the direction of the Central Government under sub-section (3) and the decision of the State Government under sub-sections (4) and (6).</p> <p>(8) It will be the responsibility of the local body, constituted and registered under section 80.(B) of this Act or any other relevant Act of the Central or State Government, to prepare management plan in consultation of the representative of the</p>	
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		<p>forest department, for the areas where shifting cultivation is or was in practice for the purpose of effective control on shifting cultivation and implementation of rules/regulations made by the State Government, so prepared under sub-section (7) in this regard.</p> <p>(a) in areas where no local body has been constituted and registered as referred to in sub-section (8), the forest department shall be responsible to prepare the management plan referred to in sub-section (8).</p> <p>(b) the management plan so prepared either under sub-section (8) or clause (a) of sub-section (8) shall be approved by the Conservator of Forests of the concerned circle in consultation with the district Collector.</p> <p>(9) The management plan shall be implemented jointly by the local body as referred to in sub-section (8) and the forest department;</p> <p>Provided where such local body does not exist, the management plan shall be implemented by the forest department.</p> <p>(10) Any contravention of the provisions of this chapter or the rules made under sub-section (7), shall be punishable under the provisions specified in section 78.</p>	
		<p><b>34(E). Power to make regulation to prevent forest land degradation and combat desertification-</b></p> <p>Central Government and State Government shall take all measures to prevent forest land degradation and combat desertification.</p> <p>Specific Working Plan/Management Plan/Action Plan shall be prepared by the State Government in consultation with Central Government to address causality, reasons and thereby improvement, enhancement of such areas. This may include assessing the ecological stability, susceptibility to climate</p>	

		<p>change, identifying critical water catchment and forest areas prone to desertification and devise consequent mitigation measures to combat desertification and forest degradation.</p> <p>The Central Government or State Government may constitute such authority as it may deem fit to carry out purposes of this section.</p>	
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**CHAPTER V**  
**OF THE CONSERVATION OF FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT**

Section	Indian Forest Act, 1927	Proposed amendment with section	Comments of State/UT Government
1	2	3	4
<b>35.</b>	<p><b>OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT-</b></p> <p><b>Protection of forests for special purposes.</b></p> <p>(1) The State Government may, by notification in the Official Gazette, regulate or prohibit in any forest or waste-land ---</p> <p>(a) the breaking up or clearing of land for cultivation;</p> <p>(b) the pasturing of cattle; or</p> <p>(c) the firing or clearing of the vegetation,</p> <p>when such regulation or prohibition appears necessary for any of the following purposes:-</p> <p>(i) for protection against storms, winds, rolling stones, floods and avalanches;</p> <p>(ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;</p>	<p><b>OF THE CONSERVATION OF FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT</b></p> <p><b>35. Conservation of forests and lands not owned by Government.</b></p> <p>(1) The State Government may, by notification in the Official Gazette, regulate or prohibit in any forest or land not being the property of such government or over which it has no proprietary rights.</p> <p>(a) the breaking up or clearing of land for cultivation or any other purpose;</p> <p>(b) the pasturing of cattle; or</p> <p>(c) setting fire to vegetation; clear felling or over-exploitation which endangers such forest or land,</p> <p>when such regulation or prohibition appears necessary for any of the following purposes:-</p> <p>(i)for protection against storms, cyclones, tidal, waves, winds, rolling stones, floods and avalanches;</p> <p>(ii)for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, watercourses, wetlands, the prevention of landslips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel or preventing the advancement of desertification;</p>	

	<p>(iii) for the maintenance of a water-supply in springs, rivers and tanks;</p> <p>(iv) for the protection of roads, railways and other lines of communication;</p> <p>(v) for the preservation of the public health</p>	<p>(iii)for the maintenance of a water-supply in springs, rivers and tanks; irrigation works, reservoirs and hydroelectric works;</p> <p>(iv) for the protection of roads, railways and other lines of communication;</p> <p>(v) for the preservation of the public health., and for preventing destruction of forests and land and for promoting conservation, development and sustainable use of the same;</p> <p>(vi) for safeguarding grazing areas of cattle and the habitat of wildlife;</p> <p>(vii) for preservation of tree groves associated with religious sentiments of places of workshop.</p>	
<p>(2)</p> <p>(3)</p>	<p>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 think fit.</p> <p>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.</p>	<p>(2) The State Government may, for any such purpose, construct at its own expense, in or upon any forest or land, such work as it think fit.</p> <p>(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.</p> <p>(4) All objections filed by the owner or the claimant, as the case may be, under sub-section (2) together with the findings of the authorized officer relating thereto, shall be referred to</p>	

		<p>the State Government for orders. On receipt of such reference, and after hearing such further causes as the owner or the claimant may have to show, the State Government shall pass orders as it deems fit.</p> <p>(5) If any case in which the order under sub-section (1) is, in the opinion of the State Government, likely to disturb substantially the owner's rights in the forest or land, to which such order or action relates, the State Government shall award to such owner or claimant such compensation as it may deem equitable;</p> <p>Provided that any compensation so paid shall be deducted from the amount payable to the owner under the provision of the Land Acquisition Act, 1894 (Act I of 1894), in the event of action being taken under the provision of section 37, or the profits payable under section 36, as the case may be.</p> <p>(6) All the notices or orders or requisitions referred to in this chapter shall be served on the owner in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed for this purpose. When a notice, order or requisition has been served or published as aforesaid, any person acquiring thereafter the right or ownership to the forest or land, shall be bound by the notice as it had been served on him as an owner and he shall accordingly comply with the order, notice, requisition and notification.</p> <p>(7) Any person contravening any of the provisions of notification issued under sub-section (1) shall, be liable to punishment prescribed in section 78.</p>	
<b>36.</b>	<b>Power to assume management of forests-</b>	<b>36. Power to assume management of forests-</b>	
(1)	In case of neglect of, or willful disobedience to, any regulation or prohibition under section 35, or if the purpose of any work to be constructed under that section so require, the State Government may, after notice in writing to the	(1) Whenever it appears to the State Government that the taking over of the management of any particular forest or land is necessary or expedient in public interest, particularly with a view to ensure its conservation; or in case of neglect of, or	

	<p>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.</p> <p>(2) The net profits, if any, arising from the management of such forest of land shall be paid to the said owner.</p>	<p>willful disobedience to, any regulation or prohibition under section 35 (notwithstanding any punishment that may have been imposed for the same under section 78), the State Government may, by notification in the Official Gazette, take over management of such forest or land for all or any of the said purposes for such period as may be specified in the notification and place the same under the control of a Forest-officer.</p> <p>(2) No notification under sub-section (1) shall be issued until-</p> <p>(a) after the issue of a notice by the Divisional Forest-officer to the owner of the forest or land, affording him reasonable opportunity to show cause within a period of not less than sixty days from the date of service of the notice on him to be specified in such notice that why management of such forest or land specified therein be not taken over; and</p> <p>(b) objections, if any, have been heard and disposed of by the authorized officer in accordance with the procedures laid down by the State Government in this regard.</p> <p>(3) The management of forest or land, by the State Government shall be deemed to commence from the date of publication of the notification under sub-section (1) in the Official Gazette. State Government may declare in such notification, for the purpose of its protection and management, that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land or part thereof, or to any forest produce there from.</p> <p>(4)(a) The State Government shall, during the period of management of forest or land by it, pay compensation to the owner at prescribed interval, which shall either be an annuity mutually agreed or the aggregate of the net profits, if any, accruing from the working and management of such forest or land.</p> <p>(b) the rules prescribing the procedure for working out the net profit and payment will be notified by the State Government</p>	
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(1)		<p><b>36(A). Consequences of assumption of management-</b></p> <p>On the assumption of management of any forest or land by the State Government under section 36, the following consequences shall issue –</p> <p>(1) All legal proceedings pending, and all processes, executions and attachments in force in respect of debts and liabilities enforceable against the forest or land or any part thereof shall be suspended, and so long as the management by the State Government continues, no fresh proceedings, executions, or attachments shall be instituted, issued, enforced or executed in respect thereof;</p> <p>(2) So long the management of forest or land by the State Government continues, the owner or any person having any right on such forest or land, shall not be competent –</p> <p>(a) to enter into any contract with respect to such forest or land;</p> <p>(b) to mortgage, charge, lease or alienate the forest or land or any part thereof or any forest produce therefrom;</p> <p>(c) to grant valid receipts of the rents or profits arising or accruing therefrom.</p> <p>(3) Subject to the orders of the State Government, no person other than Forest-officer placed in charge of the forest or land, shall, during the period of management by the State Government, be competent to do acts referred to in clauses (a), (b) and (c) of sub-section (2).</p> <p>(4) Subject to the orders of the State Government, the Forest-officer placed in-charge of the forest or land shall, during period of management of the same, have all the powers which the owner thereof might have exercised for the purpose of</p>	

		management and shall receive and recover all rents and profits due in respect of such forest or land under management and for the said purpose, the Forest-officer shall be competent to exercise any power which he can exercise in respect of a reserved forest or any other provision under this Act.	
<b>37.</b>	<b>Expropriation of forests in certain cases-</b>	<b>37. Expropriation of forests in certain cases-</b>	
(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) 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.	
(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.	(2) The owner or the majority of owners, as the case may be, of any forest or land comprised in any notification under section 35 may, at any time, require that such forest or land shall be acquired for public purposes, and the State Government shall acquire such forest or land accordingly.	
<b>38.</b>	<b>Protection of forests at request of owners-</b>	<b>35. Protection of forests at request of owners-</b>	
(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-	The owner of any land or, if there be more than one owner thereof, the owners of majority of shares therein may, with a view to the formation or conservation of such forest or land , represent in writing to the Divisional Forest-officer 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	(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.	(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	(2) In either case, the State Government may by notification in the Official Gazette, apply to such forest or land such provision of this Act as it thinks suitable to the circumstances thereof and may be desired by the applicant(s).	
		<p><b>38(A). Prohibiting felling, cutting, damaging, destroying any class of trees in any urban or rural area-</b></p> <p>Subject to the provisions contained in section 38(A), and save as provided in section 40.F, the State Government may, by notification in the Official Gazette, prohibit or restrict from the date specified in such notification, cutting, damaging, destroying, felling or removing any class or kind of trees or all the trees in any urban area or any particular part of rural area other than a reserved, protected and village forest, except under the provisions made in this Chapter or any rules made there under.</p>	

**CHAPTER VI  
OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE**

Section	Indian Forest Act, 1927	Proposed amendment with section.	Comments of State/UT Government
1	2	3	4
39.	<b>Power to impose duty on timber and other forest-produce-</b>	<b>39. Power to impose duty on timber and other forest-produce.</b>	
(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—	(1) The Central Government and the State Government in their respective jurisdiction 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, and in respect of which the Government has any right;	(a) which is produced in the territories to which this Act extends, 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.	(b) which is brought from any place outside the territories to which this Act extends.	
(2)	In every case in which such duty is directed to be levied <i>ad valorem</i> , the Central Government may fix by like notification the value on which such duty shall be assessed.	(2) In every case in which such duty is directed to be levied <i>ad valorem</i> , 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.	(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:	(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 authorities the levy	Provided that nothing in this sub-section authorities the levy	

	<p>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.</p>	<p>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.</p>	
		<p><b>39(A). Levy of cess in respect of forest produce disposed of by the State Government.</b></p> <p>(1) Notwithstanding anything contained in this Act or the provisions of any other Act the State Government, may levy a cess, hereinafter called forest development cess, at a rate not exceeding ten percent of the value assessed of the mining products removed from the forests and water used for irrigation or in industries or the amount of consideration paid therefor.</p> <p>(2) The forest development cess when levied shall be collected along with such other consideration from such date and at such rate as the State Government may declare by a notification in the Official Gazette.</p> <p>(3) The said forest development cess shall be in addition to, and not in lieu of, any duty or tax payable in respect of such produce under any law in force.</p> <p>(4) The amount received as forest development cess shall be deposited in a special fund and the amount so received shall be used exclusively for reforestation; forest protection and other ancillary purpose connected with the tree planting, forest development and conservation.</p>	
<p><b>40.</b></p>	<p><b>Limit not to apply to purchase-money or royalty-</b></p> <p>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.</p>	<p><b>40. Limit not to apply to purchase-money or royalty-</b></p> <p>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.</p>	

**CHAPTER VII  
OF THE CONTROL OF TRADE, POSSESSION AND TRANSIT OF TIMBER AND OTHER FOREST-PRODUCE AND ITS PROCESSING**

Section	Indian Forest Act, 1927	Proposed amendment	Comments of State/UT Government
1	2	3	4
41.	<p><b>OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT</b></p> <p><b>Power to make rules to regulate transit of forest-produce-</b></p> <p>(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.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power such rules may-</p> <p>(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State.</p> <p>(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;</p> <p>(c) provide for the issue, production and return of such passes and for the payment of fees therefore;</p> <p>(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</p>	<p><b>OF THE CONTROL OF TRADE, POSSESSION AND TRANSIT OF TIMBER AND OTHER FOREST-PRODUCE AND ITS PROCESSING</b></p> <p><b>41. Power to make rules to regulate transit of forest-produce-</b></p> <p>(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.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power such rules may-</p> <p>(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within the State.</p> <p>(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;</p> <p>(c) provide for the issue, production and return of such passes and for the payment of fees therefore;</p> <p>(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</p>	

<p>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;</p> <p>(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;</p> <p>(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, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;</p> <p>(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;</p> <p>(h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burring, 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;</p> <p>(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.</p>	<p>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;</p> <p>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;</p> <p>(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, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;</p> <p>(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;</p> <p>(h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burring, 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;</p> <p>(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.</p> <p>(j) prohibit or regulate the felling, cutting, burning of timber in hilly areas to regulate unchecked felling of timber in ecologically sensitive hill states.</p>	
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		(k)regulating by grant of licenses within specified limits, such felling, cutting, and burning of timber in hill states, and prescribe guidelines subject to which such licenses may be granted”.	
(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.	(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.	
<b>41A.</b>	<b>Powers of Central Government as to movements of timber across customs frontiers-</b>  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 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.	<b>41(A). Powers of Central Government as to movements of timber across customs frontiers-</b>  Notwithstanding anything in section 41, the Central Government may make rules:  (a) to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from territories to which this Act extends 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.  (b) To make rules to regulate the movement of timber or other forest-produce, as may be specified by a notification in Official Gazette, from time to time, from one State to another.	
		<b>41(B). Restrictions on transporters.</b>  Subject to the provisions contained in section 38.A, no transporter shall accept from any person timber or any forest-produce for transport by land, water or air, in contravention of the provisions of this Act.	
<b>42.</b>	<b>Penalty for breach of rules made under section 41.</b>	<b>Penalty for breach of rules made under this Chapter</b>	
(1)	The State Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a	Whosoever contravenes any of the provisions contained in section 41, 41.A or 41.B or any rule made there under shall be	



(2)	<p>term which may extend to six months, or fine which may extend to five hundred rupees, or both.</p> <p>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 or before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.</p>	<p>liable to punishment under section 78.</p> <p>(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 or before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.</p>	
43.	<p><b>Government and Forest-officers not liable for damage to forest-produce at depot-</b></p> <p>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,</p>	<p><b>43. Government and Forest-officers not liable for damage to forest-produce at depot-</b></p> <p>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</p>	
44.	<p><b>All persons bound to aid in case of accident at depot-</b></p> <p>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.</p>	<p><b>44. All persons bound to aid in case of accident at depot-</b></p> <p>(1) In case of any accident or emergency involving danger to any property at any such depot, station or premises of the manufacturing unit or saw mill, every person employed at depot, station or premises of the processing unit or saw mill, as the case may be, 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.</p> <p>(2) Any person contravening provisions of sub-section (1) shall be liable to punishment prescribed in section 78.</p>	

**CHAPTER VIII  
OF THE COLLECTION OF DRIFT AND STRANDED TIMBER**

Section	Indian Forest Act, 1927	Proposed amendment	Comments of State/UT Government
1	2	3	4
45	<p><b>Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly-</b></p> <p>(1) All timber found adrift, beached, stranded or sunk;</p> <p>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</p> <p>in such areas as the State Government directs, all unmarked wood and timber;</p> <p>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.</p> <p>(2) Such timber may 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.</p> <p>(3) The State Government may, by notification in the Official Gazette, exempt any class of timber from the provisions of this section.</p>	<p><b>45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly-</b></p> <p>(1) All timber found adrift, beached, stranded or sunk;</p> <p>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</p> <p>in such areas as the State Government directs, all unmarked wood and timber;</p> <p>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.</p> <p>(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 sections 51, 76 and 76.A, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.</p> <p>(3) The State Government may, by notification in the Official Gazette, exempt any class of timber from the provisions of this section.</p>	
46.	<p><b>Notice to claimants of drift timber-</b></p> <p>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</p>	<p><b>46. Notice to claimants of drift timber-</b></p> <p>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</p>	

	officer, within a period not less than two months from the date of such notice, a written statement of such claim.	less than two months from the date of such notice, a written statement of such claim.	
<b>47.</b>	<b>Procedure on claim preferred to such timber-</b>	<b>47. Procedure on claim preferred to such timber-</b>	
(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.	(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 person whom he deems entitled there to, or may refer claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.	(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such person whom he deems entitled there to, or may refer claimants 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.	(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.	(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.	
		(5) Where the matter is pending before a court under this section, the Divisional Forest-officer may, with the permission of the Court, instead of retaining the timber under sub-section (2), sell the timber in public auction and remit the proceeds in nearest Government Treasury. The Court may deal with as if it had not been sold.	
<b>48.</b>	<b>Disposal of unclaimed timber-</b>	<b>48. Disposal of unclaimed timber-</b>	
	If no such statement is presented as aforesaid, or if the	If no such statement is presented as aforesaid, or if the claimant	

	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 recover 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.	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 recover 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.	
<b>49.</b>	<b>Government and its officers not liable for damage to such timber-</b>  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.	<b>49. Government and its officers not liable for damage to such timber-</b>  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.	
<b>50.</b>	<b>Payments to be made by claimant before timber is delivered to him-</b>  No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.	<b>50. Payments to be made by claimant before timber is delivered to him-</b>  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 the person entitled to receive it such sum on account thereof as may be due under any rule made under section 51, 76 and 76.A.	
<b>51.</b>  (1)	<b>Power to make rules and prescribe penalties-</b>  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,	<b>51. Power to make rules and prescribe penalties-</b>  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	

(2)	<p>storing or disposing of such timber; and</p> <p>(d) the use and registration of hammers and other instruments to be used for marking such timber.</p> <p>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 six months, or fine which may extend five hundred rupees, or both.</p>	<p>or disposing of such timber; and</p> <p>(d) the use and registration of hammers and other instruments to be used for marking such timber.</p> <p>(2) Contravention of any rules made under this section shall be liable to punishment prescribed in section 78 of this Act.</p>	
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**CHAPTER IX  
PROCEDURES FOR DEALING WITH FOREST OFFENCES**

Section	Indian Forest Act, 1927	Proposed amendment(with section)	Comments of State/UT Government
1	2	3	4
52.	<p><b>PENALTIES AND PROCEDURE</b></p> <p><b>Seizure of property liable to confiscation-</b></p> <p>(1) When there is reason to believe that a forest offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts or cattle in committing any such offence, may be seized by any Forest-officer or Police-officer.</p> <p>(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.</p> <p>Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.</p>	<p><b>PROCEDURES FOR DEALING WITH FOREST OFFENCES</b></p> <p><b>52. Seizure of property liable to confiscation-</b></p> <p>(1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such forest produce, together with all tools, ropes, chains, boats, vehicles, cattle, plants, machinery, equipments, weapon and any other article used in committing such offence, as may be seized by Forest-officer, Police officer or Revenue officer.</p> <p>Provided when seizure is made by a Police officer or Revenue officer, he shall hand over to the concern forest officer for initiation of confiscation under this act.</p> <p>(2) Every officer seizing any property under this section shall place a mark and assign a number indicating that the same has been seized as soon as possible but not exceeding 24 hours, shall produce the property before the forest officer not below the rank of Assistant Conservator of Forest authorized by the State Government in this behalf by the notification (hereinafter referred as authorized officer) and the arrested person in the case alone shall be produced before the Magistrate for launching criminal proceeding immediately.</p> <p>Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.</p>	

		<p><b>(3) Provision for procedures for dealing with the offences related to forest land-</b></p> <p>When there is reason to believe that a forest offence has been committed in respect of any forest land or any attempt has been made to do so; all tools, machinery, equipment, weapons, animals or any other article used in committing such offence as may be seized by Forest-officer, Police-officer or Revenue-officer. The person(s) committing / attempting such offence shall be arrested without warrant. The Forest-officer, Police-officer or Revenue-officer shall be authorized to use reasonable force for seizure and making arrest, as the circumstances warrants so.</p> <p>The forest land includes reserve forest, protected forests, unclassified forests, any land transferred for compensatory afforestation, any land provided for management to State Forest Department or Union Territory Administration and the forest land may be notified or not notified or in the process of notification.</p> <p>Every officer seizing any property under this section shall place a mark and assign an identification number indicating that the same has been seized for committing forest offence; as soon as possible but not exceeding 24 hours along with travelling time; shall produce the property before the forest officer not below the rank of Assistant Conservator of Forests authorised by the State Government / Union Territory Administration in this behalf by the notification (hereinafter referred as authorised officer) and the arrested person in the case shall be produced before the Magistrate for launching criminal proceedings.</p>	
		<p><b>52(A). Procedure to be adopted for confiscation-</b></p> <p><b>(1) Confiscation by Forest Officer-</b></p> <p>(a) Notwithstanding, anything contained in the foregoing provisions of this Chapter or in any other law for time being in force, where a forest offence is believed to have been committed in respect of any forest produce which is the property of the Government, the officer seizing the property under this section</p>	

		<p>shall, without any unreasonable delay, produce it together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence before an officer not below the rank of an Assistant Conservator of Forests authorized by the State Government in this behalf, by notification, in official Gazette (hereinafter referred as authorized officer).</p> <p>(b) Stop any vehicle or conduct search or inquiry or enter upon and search any building, premises, land, vehicles or vessels in occupation of such person, open and search any baggage or other containers in his possession.</p> <p>(c) Seize any timber or other forest produce in respect of which an offence against this Act appears to have been committed along with any weapons, tools, ropes, chains, boats, vehicles and cattle used in committing any such offence.</p> <p><b>Explanation:</b> When officer seizing the property under this section is not a forest officer, he shall hand over the forest produce along with all tools seized to the authorized officer having jurisdiction for initiation of confiscation proceeding under this Section.</p>	
		<p>(2) When the authorized officer himself seizes under sub-section (1), any forest produce which is the property of the Government or where any such property is produced before the authorized officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorized officer, may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, boats, vehicles and cattle used in committing such offence.</p> <p>(3)(a) Where the authorized officer after passing an order of confiscation under sub-section (2) is of the opinion that it is expedient in the public interest so to do, he may order the confiscated property or any part thereof to be sold by public</p>	



		<p>auction.</p> <p>(b) where any confiscated property is sold as aforesaid, the proceed thereof after deduction of the expenses of any such auction of other incidental expenses relating thereto shall, where the order of confiscation made under this section is set aside or annulled by an order under section 52-C or section 52- D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.</p>	
		<p><b>52(B). Issue of show cause notice-</b></p> <p><b>(1) Issue of show cause notice before confiscation under Section 52-A-</b></p> <p>No order confiscating any forest produce or tools, ropes, chains, boats, vehicles or cattle shall be made under section 52-A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objections if any:</p> <p>Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if, in the opinion of the authorized officer, it is practicable to do so and considering his objections, if any.</p> <p>(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 52-A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorized officer that it was used in carrying forest produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.</p>	

		<p><b>52(C). Revision-</b></p> <p>Any Forest Officer not below the rank of Conservator of Forests specially empowered by the State Government in this behalf, by notification in Government Gazette may, of his own motion, call for and examine the records of the authorized officer in respect of any order under section 52-A, make such inquiry or cause such inquiry to be made and pass such orders as he deems fit:</p> <p>Provided that no revision proceeding shall be initiated by such officer under this section against any order passed under section 52-A, if the time for appeal against that order has not expired.</p> <p>Provided further that no order prejudicial to any person shall be passed under this section unless such person has been given an opportunity of making his representation.</p>	
		<p><b>52(D). Appeal-</b></p> <p>(1) Any person aggrieved by any order passed under section 52(A) or section 52(C) may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property, to which relates, has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorized officer or the officer specially empowered under section 52(C), as the case may be, pass such order as he may think fit, confirming, modifying or annulling the order appealed against.</p> <p>(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any court of law.</p>	

		<p><b>52(E). Award of confiscation no bar for infliction of any punishment-</b></p> <p>The award of any confiscation under section 52(A) or section 52(C) or section 52(D) shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.</p>	
		<p><b>52(F). Property confiscated to vest with government-</b></p> <p>When an order of confiscation of any property has been passed under section 52.A or section 52.C or section 52.D and such order has become final in respect of whole or any portion of such property, such property or portion thereof, or if it has been sold under sub-section 3 of section 52.A, the sale proceeds thereof, as the case may be, shall vest in the government free from all encumbrances.</p>	
		<p><b>52(G). Bar of jurisdiction in certain cases-</b></p> <p>Whenever any forest produce belonging to the Government or any tool, rope, chain, boat, vehicle or cattle, used for committing forest offence, is seized under section 52, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or in any other law for the time being in force, -</p> <p>(a) the authorized officer under section 52-A, or the Forest officer specially empowered under section 52-C, or the Sessions Judge hearing an appeal under section 52-D, shall have, and</p> <p>(b) any other officer, court tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possessions, delivery, disposal or distribution of such property</p>	
53.	<p><b>Power to release property seized under section 52-</b></p> <p>Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, may</p>	<p><b>53. Power to release property seized under section 52 in certain cases-</b></p> <p>Any Forest-officer of a rank not below that of a Assistant Conservator of Forests who, or whose subordinate has seized any tool, rope, chain, boat, vehicle, cattle, plant, machinery,</p>	

(ii)	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.	<p>equipment, weapon or any other article under section 52 may release the same; subject to the provisions contained in section 52(A) and 68 provided:</p> <p>(a) the offender requests in writing to forthwith get the offence compounded;</p> <p>(b) the value of the forest-produce in respect of which the offence has been committed, if believed to be the property of the Government, does not exceed a specified limit as notified by the State Government from time to time, on the execution by the owner thereof a bond for the production of the property so released, if and so when so required, before the authorized officer and the Magistrate having jurisdiction to try the offence in the event of criminal proceedings being launched against the offender.</p> <p>(c) that if the value of forest produce in respect of which the offence has been committed is more than the specified limit notified by the State Government under clause (b), the Deputy Conservator of Forests in-charge of concerned Division will have the authority to release the seized property under section 52 subject to the provisions described in this section.</p>	
54.	<p><b>Procedure thereupon-</b></p> <p>Upon the receipt of any such report, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.</p>	<p><b>54. Procedure when criminal proceedings launched-</b></p> <p>Upon the receipt of any such report under sub-section (2) of section 52, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law;</p> <p>Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no confiscation proceeding has been initiated by the Authorized officer under section 52(A) of this Act.</p>	
55.  (I)	<p><b>Forest-produce, tools, etc., when liable to confiscation-</b></p> <p>All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and</p>	<p><b>55. Forest-produce, tools, etc., when liable to confiscation-</b></p> <p>(I) All timber or other forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, ropes, chains, boats, vehicles, cattle,</p>	

	cattle used in committing any forest-offence, shall be liable to confiscation.	machinery, plant, equipment, weapon or any other article used in committing any forest-offence, shall, subject to the provisions of the sections 52, 52.A, 52C, 52 D be liable to confiscation upon conviction of the offender for such forest-offence.	
(2)	Such confiscation may be in addition to any other punishment prescribed for such offence.	(2) Such confiscation may be in addition to any other punishment prescribed for such offence.	
<b>56.</b>	<b>Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed-</b>  When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of the Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.	<b>56. Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed-</b>  When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of the Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may subject to section 52(G), may be disposed of in such manner as the Court may direct.	
<b>57.</b>	<b>Procedure when offender not known, or cannot be found-</b>  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.	<b>57. Procedure when offender not known, or cannot be found-</b>  When the offender is not known or cannot be found, the Magistrate may, subject to section 52.G if he finds that an offence has been committed, order the property including tools, ropes, chains, boats, vehicles, cattle, plant, machinery, equipment, weapon and any other article, along with the forest-produce 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.	
<b>58.</b>	<b>Procedure as to perishable property seized under section 52-</b>  (a) The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property	<b>58. Procedure as to perishable property seized under section 52-</b>  (a) The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized and referred under	

	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 has not been sold.	section 52 to him and subject to speedy and natural decay;  provided that when, in the opinion of the authorized officer or the Deputy Conservator of Forests in-charge of the concerned Division, it is not possible to obtain the orders of the Magistrate in time, such officer may sell the property himself, remit the sale proceeds to the nearest Government Treasury and make a report of such seizure, sale and remittance to Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trial of the accused.  (b) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) in the same manner as he might have dealt with the property if it has not been sold.	
<b>59.</b>	<b>Appeal from orders under section 55, section 56 or section 57.</b>  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 such appeal shall be final.	<b>59. Appeal from orders under section 55, section 56 or section 57.</b>  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 such appeal shall be final.	
<b>60.</b>  (1)	<b>Property when to vest in Government</b>  When an order for the confiscation of any property has been passed 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.	<b>60. Property when to vest in Government</b>  When an order for the confiscation of any property has been passed section 52.A or section 52.C, or section 52.D and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, or if it has been sold under the proviso of sub-section (3) of section 52 A, the sale proceeds thereof, as the case may be, shall vest in the State Government, free from all encumbrances.	

		(2) 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	
		<b>60(A). Penalty for forcibly opposing seizure-</b>  Whoever forcibly opposes the seizure of forest-produce, tools, ropes, chains, boats, cattle, vehicles, plant, machinery, equipment or any other article under this Act, and whoever rescues the same after seizure from the custody of the Forest-officer, Police-officer, Revenue-officer or any person authorized for its safe custody, shall be liable to punishment prescribed in section 78.	
<b>61.</b>	<b>Saving of power to release property seized-</b>  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.	<b>61. Saving of power to release property seized-</b>  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, which is not the property of the Government.  Provided that where a report is made to the Magistrate of the property seized under section 52, the officer so empowered, shall not release the property without the consent in writing of such Magistrate.	
<b>62.</b>  (1)	<b>Punishment for wrongful seizure-</b>  Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.	<b>62. Punishment for wrongful seizure or arrest-</b>  (1) Any officer exercising powers under this Act who vexatiously and unnecessarily seizes the property on pretence of seizing property liable to confiscation under this Act, or who vexatiously and unnecessarily arrests any person, shall be liable to punishment prescribed in section 78.  (2) Any fine so imposed, or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.	

<p><b>63.</b></p>	<p><b>Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks-</b></p> <p>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-</p> <p>(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 persons; or</p> <p>(b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or</p> <p>(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied;</p> <p>shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.</p>	<p><b>63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks and for encroachment-</b></p> <p>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</p> <p>(a) knowingly counterfeits upon any timber, standing tree, or any other forest-produce or a receptacle containing such produce, a mark used by Forest-officers to indicate that such timber or tree or forest-produce is the property of the Government or of some person, or that it may lawfully be cut or removed or utilized by the authorized Forest-officer or some persons; or</p> <p>(b) unlawfully affixes to any timber, standing tree or any other forest produce, or a receptacle containing such produce, a mark used by any Forest-officer; or</p> <p>(c) alters, defaces or obliterates any such mark placed on a tree or on timber or any other forest-produce or a receptacle containing such produce by or under the authority of a Forest-officer; or</p> <p>(d) alters, moves, destroys or defaces any boundary mark of any forest or land or encroaches upon any part of forest or land to which the provisions of this Act are applied;</p> <p>shall be liable to punishment prescribed in section 78.</p>	
<p><b>64.</b></p> <p>(1)</p>	<p><b>Power to arrest without warrant-</b></p> <p>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.</p>	<p><b>64. Power to arrest without warrant-</b></p> <p>(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 punishable with imprisonment for one year or upwards. Further, arrest be made in following situation also,</p>	



		<p>(a) any person, if the officer, knows or has reason to believe that such person is committing or has committed any forest offence or if a reasonable suspicion exists against such person of his having been concerned in any forest offences;</p> <p>(b) any person who obstructs such officer in the execution of his duty under this act, or who has escaped or attempts to escape from custody in which he has been or is lawfully detained under this Act;</p> <p>(c) any person who has committed or has been accused of committing an offence under this Act, refuse to give his name and residence, or gives a name of residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.</p> <p>Provided when an arrest has been made by a Police-officer or Revenue-officer for a forest-offence, he shall inform to the concerned Forest-officer without delay.</p>	
<p>(2)</p>	<p>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.</p>	<p>(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.</p>	
<p>(3)</p>	<p>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.</p>	<p>Deleted. ***</p>	
		<p>(4) The State Government / Union Territory Administration shall develop the infra-structure for standardized lock-up rooms for housing the accused, transportation of accused, provide necessary articles for restraining the accused(s), armouries, safe custody of</p>	

		<p>arms, ammunitions, shields, batons, helmets, armours, wireless, etc. to the Forest-officers for implementing the provisions of this Act. These facilities shall be developed in all territorial and wildlife ranges in State Government / Union Territory Administration.</p> <p>The State Government / Union Territory Administration shall also develop facilities for prosecution in Sessions Court for trial of accused of forest offences and create a post of Court Ranger for this purpose.</p> <p>All such infra-structure and facilities shall be developed within two years of enactment of the Indian Forest (Amendment) Act, 2019.</p>	
		<p><b>#Category of offences</b></p> <p><b>Minor Offences</b> Any minor forest offence may be defined as involving “timber less than one cubic meter, firewood less than two cubic meter, minor forest produce more than Rs. 10,000/- (read with provisions of FRA) provided the species involved is not listed as RET species / site from where obtained is not a part of preservation plot / ecosystem services plot / yield plot / volume plots / any study plot / research plot of any nomenclature and resistance has not been involved in the registration / investigation of forest offence”.</p> <p><b>Major offences</b> All other offences are “Major Offences”, including species involved is listed as RET species / site from where obtained is a part of preservation plot / ecosystem services plot / yield plot / volume plots / any study plot / research plot of any nomenclature and resistance has not been involved in the registration / investigation of forest offence”.</p> <p>All offences pertaining to “forest land” is “Major Offences”.</p>	
		<b>64(A). Power of Forest-officers in matters of investigation.</b>	New insertion.

		Any Forest-officer not below the rank of a Ranger in charge of a forest range may, as regards offence under this Act or Rules made there under, shall be investigating officer.	Proposed for providing the powers of investigation to the Forest Ranger for investigation of forest offences.
		<p><b>64(B). Report by investigating officer-</b></p> <p>If, on any investigation by a Forest Ranger or a Forest-officer empowered under section 64(A), it appears that there is sufficient evidence to justify the prosecution of the accused, the investigation officer shall submit a report for the purpose of Section 190 of Code of Criminal Procedure 1973 to a Magistrate having jurisdiction to enquire into or try the case and empowered to take cognizance of offence.</p>	<p>New insertion.</p> <p>Proposed for the recognition of the report of a Forest Ranger for initiation of criminal proceeding under Section 190 Code of Criminal Procedure 1973. The forest officer is not a police officer. Hence initiation of criminal proceeding under section 190 of code of criminal procedure 1973 shall be in the category of “any person other than police officer” (sub clause 1 (c) of section 190 Cr PC).</p>
		<p><b>64(C). Certificate of Forest-officers to be an evidence.</b></p> <p>Any document purporting to be a certificate under the hand of a Forest-officer of the rank of the Forest Ranger and above, in respect of any forest-produce or other things submitted by him for examination shall be used as evidence of the proceedings under this Act; but the Court may, if it thinks fit, and shall on the application of the prosecution or the accused person summon and examine any such Forest-officer as to the subject matter of his certificate.</p> <p><b>Explanation:</b> The forest officer recording any statement/confession during the investigation of case shall be admissible in competent court of law. The forest officer shall not be treated as police officer within meaning of section 25 and section 26 of Indian Evidence Act, 1872.</p>	<p>New insertion.</p> <p>Proposed for the recognition of certificate of a Forest-officer in respect of any forest-produce, to be treated as evidence in the Court of Law. The forest officer is not a police officer within meaning of section (25) &amp; (26) of Indian Evidence Act while recording statement from accused.</p>
65	Power to release on a bond a person arrested-	<b>65. Power to release on a bond a person arrested-</b>	

	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.	Any Forest-officer of a rank not below that of a Ranger, who or whose subordinate, has arrested any person under the provisions of section 64, may, subject to and without prejudice to the provisions of section 65.A, 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 or any authorized officer under section 52.	Amendment proposed as certain offences prescribed in section 65.A have been proposed as non-bailable.
		<p><b>65(A). Certain offences to be non-bailable-</b></p> <p>(a) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (II of 1974)-</p> <p>(b) the offences under the sections or clauses mentioned below shall be non-bailable, namely; all offences for which a minimum imprisonment is prescribed in sections 26, 33, 42, 63 and 78 (4) under section 78 of chapter XIII.A.</p> <p>no person accused of any offence referred to in clause (a) shall, if in custody, to be released on bail or his bond unless –</p> <p>(i) the prosecution has been given an opportunity to oppose the application of such release, and where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.</p>	<p>New insertion.</p> <p>Proposed as certain offences prescribed in clause (a) have been proposed as non-bailable.</p>
66.	<b>Power to prevent commission of offence-</b>	<b>66. Power to prevent commission of offence-</b>	
(1)	Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.	<p>(1) Every Forest-officer, Police-officer or Revenue-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.</p> <p>(2) Any Forest-officer, may if necessary, to prevent the commission of any offence under this Act or under the Wildlife</p>	<p>Amendment proposed to provide indemnity to Forest-officer using arms etc, to prevent the forest-offence. This indemnity shall be in addition to the immunity provided under section 197 of Code of Criminal Procedure 1973 for certain categories of Public Servant.</p> <p>New insertion.</p>

		<p>(Protection) Act, 1972, or to apprehend any person engaged in the commission of an offence under the said Acts, or who has committed such offence, use as little force including fire arms and do as little injury to person and property, as may be consistent with the</p> <p>(a) prevention of the offence; or</p> <p>(b) the apprehension of the accused; or</p> <p>(c) securing of the forest-produce; or</p> <p>(d) seizure of any means, weapons, vehicles, cart, boat, any other conveyance, tools, or any other thing used to commit the offence or to carry or transport or conceal or keep the forest-produce.</p> <p>(3) No prosecution against any officer for any act purporting to be done under the preceding sub-sections shall be instituted in any criminal court except with the prior sanction of the State Government.</p> <p>Provided that such sanction for prosecution shall not be accorded by the State Government unless an inquiry by a Executive Magistrate is got conducted for the alleged wrong done or excess committed.</p> <p>(4) Notwithstanding anything contained in any other law in force, no Forest-officer acting under the preceding sub-section in good faith, or doing any act in obedience to any order which he was bound to obey; shall be deemed to have thereby committed an offence</p>	<p>New insertion.</p> <p>New insertion.</p>
		<p><b>66(A). Power of entry and search-</b></p> <p>Any Forest-officer not below the rank of an Assistant Conservator of forests, when he has reason to believe that an offence under this Act has been committed, or is being or is likely to be committed, he or an officer duty empowered by him may inform the Village Panchayat or Gram Sabha and may-</p> <p>(i) enter and search any such place in which he has reason to</p>	<p>New insertion.</p> <p>Proposed for the powers of entry search in respect of forest offence.</p>

		<p>believe that any forest-produce or tool, plant, equipment, rope, chain, vehicle, machinery, weapon or any other article involved or likely to be involved in commission of forest offence is concealed;</p> <p>(ii) seize any document or other article which, he has reason to believe, may furnish evidence of the commission of an offence under this Act.</p>	
		<p><b>66(B). Attempts and Abetment –</b></p> <p>(1) Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule of order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.</p> <p>Such Attempts and Abetments shall be punishable as provided in the Section-78.</p> <p>(2) That any person, forest officer, any officer of the State Government cannot withdraw forest offence cases registered under the Principal Act.</p>	<p>New insertion.</p> <p>New section necessary to contain “Attempts and Abetments”. To dissuade political executives to incite masses against the provisions of the Act.</p> <p>Many State Governments have withdrawn cases registered under the Indian Forest Act, 1927 to draw political mileages. Such action has to curbed with heavy hand, because the results are disastrous. Porosity is the root cause of destruction of prime forest areas.</p>
		<p><b>66(C). Cognizance of offences –</b></p> <p>No court shall take cognizance of any offence against this Act on the complaint of any person not less than other than</p> <p>(1) A forest officer not below the rank of Range Forest Officer or any other officer authorized in this behalf by the State Government; or</p> <p>(2) Any person who has given notice of not less than sixty days to the State Government, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the competent court. After the expiry of such stipulated period, the person may</p>	<p>New insertion.</p>

		<p>file a complaint to the competent court for taking cognizance.</p> <p>The Central Government shall frame rules in this regard within 180 days of the enactment of this Amendment in the Principal Act.</p>	
		<p><b>66(D). Presumption to be made in certain cases –</b></p> <p>Where, in any prosecution for one offence against this Act, it is established that a person is in possession, custody or control of any forest land, forest produce or presumption that he has committed any crime against the Act; it shall be presumed until the contrary is proved that the ownership of the property belongs to the State Government and the person has committed an offence against the Act. The burden of proving which shall lie on the accused, that such person is in lawful possession of forest land, forest produce, custody or control of such property and the person has not committed any offence against the Act</p>	
67.	<p><b>Power to try offences summarily-</b></p> <p>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, any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.</p>	<p><b>67. Power to try offences summarily-</b></p> <p>Any Magistrate of the first class, specially empowered in this behalf by the State Government in consultation with the High Court, may try summarily, under the Code of Criminal Procedure, 1973 (II of 1974), any forest offence punishable with imprisonment for a term not exceeding one years or fine not exceeding five thousand rupees or both, and the provisions of sections 262 to 265 (both inclusive) of the said code shall, as far as may be, apply to such trial; but notwithstanding anything contained in the said code, in the case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass sentence of imprisonment for any term for which such offence is punishable under this Act.</p>	
		<p><b>67(A). Appointment of special Court-</b></p> <p>Notwithstanding anything contained to the contrary either in the Criminal Procedure Code, 1973 or any other law for the time being in force, the State Government may, in consultation with the High Court, constitute a special Court with power of a First Class Magistrate for the trial of all forest offences punishable with imprisonment for a term which may extend to three years or with</p>	

		fine which may extend to five thousand rupees or with both, in accordance with the procedure prescribed for summary trials under Chapter XXI of the Criminal Procedure Code, 1973.	
<b>68.</b>	<b>Power to compound offences-</b>	<b>68. Power to compound offences-</b>	
(1)	The State Government may, by notification in the Official Gazette, empower a Forest-officer –	(1) Subject to the provisions of sub-section (3), 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	(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence which are non- bailable and cognizable under this act, a sum of money by way of compensation for the offence which such person is suspected to have committed, provided that the sum of money accepted by way of compensation shall in no case be less than the amount involved in the loss caused by such offences; and in addition to this an fine / environmental compensation charge as may be determined by the State Government or officer authorized.	
	(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.	(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.	
		Provided such release will not be made where the value of the property exceeds specified limits as notified by the State Government from time to time.	
(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.	(2) On the payment, of or on the acceptance of an undertaking in writing to pay such sum of money or such estimated value or both, as the case may be, to such an 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 in that particular case.	
(3)	A Forest-officer shall not be empowered under this	(3) A Forest-officer shall not be empowered under this section	



	<p>section unless he is a Forest-officer of 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 fifty rupees.</p>	<p>unless he is a Forest-officer of rank not inferior to that of a Ranger;</p> <p>provided that if the amount involved in the loss caused by the forest offence exceeds five thousand rupees he shall not be a Forest-officer of a rank lower to that of an Assistant Conservator of Forests.</p> <p>Explanation: Compounding of forest offences under this section shall have effect of closure of the case.</p>	
69.	<p><b>Presumption that forest-produce belongs to Government-</b></p> <p>When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce shall be presumed to be the property of the Government until the contrary is proved.</p>	<p><b>69. Presumption that forest-produce belongs to Government-</b></p> <p>When in any proceedings taken under the provision of this Act, or in consequence of anything done under this Act or under any other law for the time being in force, 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 only if the person in possession fails to explain it's origin from private holding or when there is reason to believe that such explanation is not true.</p>	
		<p><b>69(A). Punishment for knowingly receiving any forest-produce illegally removed-</b></p> <p>Any person who knowingly receive or knowingly keeps in his possession, without sufficient care to ascertain its legal origin, any forest-produce illegally removed from any forest, shall be liable to punishment prescribed in section 78.</p>	

**CHAPTER X  
CATTLE – TRESPASS**

Section	Indian Forest Act, 1927	Proposed amendment(with section)	Comments of State/UT Government
1	2	3	4
<b>70.</b>	<p><b>Cattle-trespass Act, 1871, to apply-</b></p> <p>Cattle trespassing in a reserved forest or in any portion of a 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, and may be seized and impounded as such by any Forest-officer or Police-officer.</p>	<p><b>70. Cattle-trespass Act, 1871, to apply-</b></p> <p>Cattle trespassing in a reserved forest or in any portion of a 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, and may be seized and impounded as such by any Forest-officer or Police-officer.</p>	
<b>71.</b>	<p><b>Power to alter fines fixed under that Act-</b></p> <p>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, 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:-</p> <p>For each elephant ..... ten rupees.</p> <p>For each buffalo or camel ..... two rupees.</p> <p>For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer ..... one rupee</p> <p>For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid ..... eight annas.</p>	<p><b>71. Power to alter fines fixed under that Act-</b></p> <p>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, there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit.</p>	

**CHAPTER XI  
OF FOREST-OFFICERS**

Section	Indian Forest Act, 1927	Proposed amendment (with section)	Comments of State/UT Government
1	2	3	4
72.	<b>State Government may invest Forest-officers with certain powers-</b>	<b>72. Investing Forest-officers with certain powers-</b>	
(1)	<p>The State Government may invest any Forest-officer with all or any of the following powers, that is to say:-</p> <p>(a) power to enter upon any land and to survey, demarcate and make a map of the same;</p> <p>(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;</p> <p>(c) power to issue a search warrant under the Code of Criminal Procedure, 1898; and</p> <p>(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.</p>	<p>(1) Forest-officer not below the rank of a Forest Guard shall have the following powers, that is to say:-</p> <p>power to enter upon any land and to survey, demarcate and make a map of the same;</p>	
(2)	<p>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.</p>	<p>(2) Forest-officer not below the rank of a Ranger shall have the following powers, that is to say:-</p> <p>power to hold an inquiry into forest offences, and, in the course of such inquiry, to receive and record evidence;</p> <p>(3) Forest-officers not below the rank of an Assistant Conservator of Forests shall have the following powers, that is to say:-</p> <p>(a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;</p> <p>(b) power to search or issue a search warrant under the code of criminal procedure, 1973;</p>	

		<p>(4) Any evidence recorded under clause (b) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate or proceedings by an authorized officer under sub-section (2) of section 52, provided that it has been taken in the presence of the accused person and recorded in the manner as provided under the Code of Criminal Procedure 1973, and Indian Evidence Act.</p>	
		<p><b>72(A). Power to entry, inspection, investigation and prosecution-</b></p> <p>(1) Any Forest-officer not below the rank of a Forester may, at any time enter and inspect any land within his area of jurisdiction to which provision of Chapter IV, or Chapter V of this Act apply, for the purpose of ascertaining whether there has been contravention of any of the provisions of this Act and the rules made there under, or for the purpose of securing compliance with any such provision.</p> <p>(2) It shall be lawful for Forest-officer not below the rank of a Ranger to lay any information before a Magistrate and to apply for summon, warrant, or such other legal process as may by law issue against any person committing an offence and to conduct prosecution.</p>	
		<p><b>72(B). Powers to reward in certain cases-</b></p> <p>The Divisional Forest-officer may reward any person including a Forest-officer of the rank of or lower than that of a Ranger, who has helped in the detection of forest offences, resulting in the seizure of any vehicle or other property, or in the apprehension of any offender under the provisions of this Act with an amount which may extend upto twenty five percent of the value of the forest produce confiscated or the amount recovered as compounding fee or compensation under section 68, or on conviction by the Court, but not exceeding ten thousand rupees in each case.</p> <p>Provided that where no such confiscation has been made or no amount received as compensation, the maximum reward that may</p>	

		be paid with the approval of the Conservator of forests shall not exceed three thousand rupees.	
<b>73.</b>	<b>Forest-officers deemed public servants-</b>  All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.	<b>73. Forest-officers deemed public servants-</b>  All Forest-officers shall be deemed to be:  Public servants within the meaning of Section 21 of Indian Penal Code 1860 (45 of 1860) and shall be protected under section 197 of Code of Criminal Procedure 1973.	
<b>74.</b>	<b>Indemnity for acts done in good faith.</b>  No suit shall lie against any public servant for anything done by him in good faith under this Act.	<b>74. Indemnity for acts done in good faith-</b>  (1) No civil proceedings shall lie against the Central Government or State Government or any public servant exercising any power or discharging any functions or performing any duties under this Act, for anything in good faith done or intended to be done under this Act or any rule or order made thereunder.  (2) No Forest-officer shall be arrested for any offence alleged to have been committed or purported to have been committed in discharge of his official duties, without causing out an inquiry by an authority to be notified by the State Government for the purpose.	
<b>75.</b>	<b>Forest-officers not to trade-</b>  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.	<b>75. Forest-officers not to trade-</b>  Except with the permission in writing of the Central or the State Government, as the case may be, 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.	

**C H A P T E R X I I**  
**P O W E R O F G O V E R N M E N T**

Section	Indian Forest Act, 1927	Proposed amendment (with section)	Comments of State/UT Government
1	2	3	4
76.	<p><b>SUBSIDIARY RULES</b></p> <p><b>Additional power to make rules-</b></p> <p>The State Government may make rules –</p> <p>(a) to prescribe and limit the powers and duties of any Forest-officer under this Act;</p> <p>(b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;</p> <p>(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 persons; and</p> <p>(d) generally, to carry out the provisions of this Act.</p>	<p><b>POWER OF GOVERNMENT</b></p> <p><b>76. POWER OF THE CENTRAL GOVERNMENT</b></p> <p><b>(1) Power of the Central Government to take measures for protection and improvement of forests-</b></p> <p>Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the protection and improvement of the quality of the forests and abating the forest degradation in any forest or forest land.</p> <p><b>(2) Power to constitute an authority-</b></p> <p>The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, publish in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions of the Central Government under this Act and for taking measures with respect to such matters as it deems necessary subject to the supervision and control of the Central Government.</p> <p><b>(3) Power to give directions-</b></p> <p>Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any State Government, officer, institution/organization or person and such State Government, officer, institution/organization and person shall be bound to</p>	

		<p>comply with such directions.</p> <p><b>(4) Power to Central Government to make rules-</b></p> <p>Without prejudice to the generality of the provisions of sub-section (1), sub-section (2) and sub-section (3), the Central Government in particular may, by notification in the Official Gazette, make rules for all or any of the following matters, namely:</p> <p>(a) regulating the practice of shifting cultivation in forests prescribed under chapter IV A.</p> <p>(b) rationalizing rights, privileges, concessions and exemptions in respect of forest-produce from reserved, protected and village forests prescribed in sections 23, 24, 32 and 34(B) and from forests and lands under chapter V of this Act.</p> <p>(c) regarding the duty on timber and other forest-produce prescribed in section 39 of this Act.</p> <p>(d) regarding the control of trade, possession and transit of timber and other forest-produce and its possessing prescribed in chapter VII of this Act.</p> <p>(e) the matters regarding the regulatory provisions specified in Chapter XIV.</p> <p>(f) prescribing rules and procedure for discharging powers prescribed under section 72.</p> <p>(g) the manner in which the officers of the Central Government shall be enabled to carry out the provisions of this Act.</p> <p>(h) to regulate the rewards to be paid to officers and any person or institution or organization for their outstanding performance in the protection, development and conservation of forests.</p> <p>(i) to prescribe a standard procedure for prosecution of offence committed under this Act which may be adapted by the State</p>	
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		<p>Government.</p> <p>(5) On any other matter that may be necessary for the purposes of the Act</p> <p>(6) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each house of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session of successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	
		<p><b>76(A). Power to make rules by the State Government-</b></p> <p>(1) Subject to the provisions contained in sub-section (2) of Section 77, the State Government may make rules to carry out the provisions of this Act.</p> <p>(2) In particular, and without the prejudice to the generality of the powers mentioned in sub-section (1), such rules may provide for all or any of the followings;</p> <p>(a) the matters specified under section 5(1) (b), 5(2) &amp; 15(2) (d);</p> <p>(b) commutation of right under section 16;</p> <p>(c) protection, management and regulation of access of forest or forest land which, inter alia, may –</p> <p>(d) subject to the provisions contained in clause (c) of section 30, regulate or prohibit alienation, occupation, clearing, ploughing or breaking up of land for cultivation or other purposes, quarrying of any major or minor mineral, the burning of lime or charcoal, subjecting any major or minor mineral or any other forest produce</p>	



		<p>to a purifying or manufacturing process;</p> <p>(i) regulate, phase out or extinguish the practice of shifting cultivation in the manner prescribed under chapter IV A;</p> <p>(ii) regulate the granting of license to inhabitants of towns and village in the vicinity of protected forests to take forest produce for their bonafide domestic use, and the production and return of such licences by such persons; and prescribe the fees, royalties or other payment therefore;</p> <p>(iii) prescribe the exercise of rights referred to in section 29;</p> <p>(iv) prohibit fishing in or poisoning of water;</p> <p>(v) provide for the examination of forest produce passing out of protected forests;</p> <p>(vi) the matters regarding the rights in village forests specified in section 28.</p> <p>(e) protection, development, regulation and management of access of individuals or village communities to a village forest, the manner in which the management plans for such forest shall be prepared and executed and the mechanism of benefit sharing as prescribed in section 34.B and 80.B;</p> <p>(f) regulate or prohibit the activities prescribed in sub-section (1) of section 35 regarding the conservation of forests and lands not being the property of the Government ;</p> <p>(g) the matters concerning cutting, damaging and destroying trees in Urban and Rural areas specified in section 38.C;</p> <p>(h) regarding duty on timber and other forest produce specified in section 39; and levy of duty in respect of forest produce disposed of by the State Government specified in section 39.A;</p> <p>(i) to carry out the provisions prescribed in chapter VII.</p>	
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		<p>(j) to carry the provisions regarding control of drift and standard timber specified in section 45;</p> <p>(k) to prescribe and limit the powers and duties of any Forest-officer under this Act and also prescribe rules and procedure for discharging powers prescribed under this Act;</p> <p>(l) regulating the rewards to be paid to the officer, person and informer out of proceeds of fines and confiscation under section 72.B;</p> <p>(m) generally, to carry out the provisions of this Act.</p> <p>(3) All rules made under this Act, by the State Government shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session for a total period of fourteen days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the Houses of the Legislature may agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done there under.</p>	
		<p><b>76(B).</b> Contravention of any of the provisions of this section and section 76 and the rules or directions made thereunder shall be liable to punishment prescribed in section 78.</p>	
77.	<p><b>Penalties for breach of rules</b></p> <p>Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.</p> <p><b>[(78) Rules when to have force of law-</b>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</p>	<p><b>77. Rules when to have force of law-</b></p> <p>(1) All rules made by the Central and 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.</p> <p>(2) Where the rules framed by the Central Government and the State Government are in conflict, the former shall prevail.</p>	

	consistent with this Act, have effect as if enacted therein.]		
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**C H A P T E R X I I A**  
**P E N A L T I E S**

Section	Indian Forest Act, 1927	Proposed amendment	Comments of State/UT Government
1	2	3	4
78.	<p style="text-align: center;">**</p> <p><b>Rules when to have force of law-</b></p> <p>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.</p> <p><i>[(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 one month, or fine which may extend to five hundred rupees, or both]</i></p>	<p><b>PENALTIES</b></p> <p><b>78. Penalties-</b></p> <p>Any person contravening any provisions of the Act, for such contravention where no special penalty is provided, shall be punishable with imprisonment for a term which may extend to six month, or fine which may extend to ten thousand rupees, or both.</p> <p>(1) There shall be the following punishment for various specific offences committed under this Act as provided hereunder</p> <p><b>(a) section 26:</b> imprisonment which may extend to three years and with fine which may extend to five thousand rupees which may extend to both;</p> <p>Provided that in case of an offence committed under section 26 (1) (a), 26 (1) (g), 26 (1) (h) and 26 (1) (j), the minimum fine shall not be less than five thousand rupees and may extend to fifty thousand rupees and the term of imprisonment, which shall be mandatory, shall not be less than six months and may extend to five years;</p> <p>Provided further that in case of second and subsequent offence mentioned in the foregoing provision, the term of imprisonment shall not be less than one year and the minimum fine shall not be less than twenty thousand rupees and may extend to two lakh rupees. On failure of the offender to pay the fine, the term of imprisonment shall be suitably extended.</p>	

		<p>Provided that in case of an offence committed under section 26 (J)(i), the minimum fine shall not be less than fifty thousand rupees and may extend to fifty lac rupees and the term of imprisonment, which shall be mandatory, shall not be less than three years and may extend to seven years</p> <p><b>(b) section 28:</b> Imprisonment which may extend to one month.</p> <p><b>(c) section 33:</b> imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both,</p> <p>Provided that in case of offence committed under clause (a), (b), or (c), of sub-section (1) of section 33, the minimum fine shall not be less than five thousand and may extend to twenty five thousand rupees and the term of imprisonment, which shall be mandatory, shall not be less than six months;</p> <p>Provided further that in case of second and subsequent offence mentioned in the foregoing provision, the term of imprisonment shall not be less than one year and the minimum fine shall not be less than ten thousand rupees and may extend to one lakh rupees. On failure of the offender to pay the fine, the term of imprisonment shall be suitably extended.</p> <p>Provided that in case of offence committed under clause (b)(i) of sub-section (1) of section 33, the minimum fine shall not be less than fifty thousand and may extend to five lac rupees and the term of imprisonment, which shall be mandatory, shall not be less than three years.</p> <p><b>(d) section 34.B, Section 34(C) and Section 35 :</b> imprisonment which may extend to one year or fine which may extend to five thousand rupees or both.</p> <p><b>(e) section 38(D)(4):</b> fine which may extend upto five thousand rupees.</p>	
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		<p><b>(f) section 42:</b> imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both provided that where the value of the forest-produce in respect of which the offence has been committed exceeds fifteen thousand rupees, the minimum imprisonment shall be one month and with a minimum fine of ten thousand rupees.</p> <p><b>(g) Section 44 :</b> imprisonment which may extend to three month or fine which may extend to five thousand rupees or with both.</p> <p><b>(h) Section 51 and section 60(A):</b> imprisonment for a term which may extend to three years or fine which may extend to ten thousand rupees or both.</p> <p><b>(i) section 62:</b> imprisonment which may extend to three month or fine which may extend to five thousand rupees or both.</p> <p><b>(j) section 63 :</b> imprisonment which shall not be less than six months and may extend to three years and with minimum fine of three thousand rupees which may extend to twenty five thousand rupees. In case of encroachment, besides the punishment mentioned above, the encroachment shall be evicted, all sheds, or structures on such land shall be demolished and the crop, if any, standing on such land, shall be seized and confiscated.</p> <p><b>(k) section 69.A :</b> imprisonment which may extend to one year or fine which may extend to five thousand rupees or both.</p> <p><b>(l) section 76(6):</b> imprisonment which may extend to three years or fine which may extend to five thousand rupees or both.</p> <p><b>(m) section 79 :</b></p>	
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		<p>imprisonment which may extend to one month or fine which may extend to five thousand rupees or both.</p> <p><b>(n) section 79(A):</b> fine upto three thousand rupees.</p> <p><b>(o) section 79(B):</b> imprisonment which may extend to one month or fine which may extend to three thousand rupees or both.</p> <p>(2) When any person is convicted for an offence under this Act and the value of forest-produce removed or damaged, when being the property of Government, exceeds five thousand rupees, the Court trying the offence shall direct that such forest produce seized from the offender and any tool, chains, ropes, plant, machinery, equipment, boat, cattle, vehicle, weapon or any other article used in the commission of the offence shall be forfeited to the State Government and any license, permit, permission held by the offender under the provisions of this Act shall stand cancelled;</p> <p>Provided that similar order of forfeiture and cancellation may be issued by the Court for any offence where the value of forest-produce is less than or equal to five thousand rupees.</p> <p>(3) When a person is convicted for an offence under clause (a) or (g) or (g)(i) or (h) of sub-section (1) of section 26, or clause (b) or (b)(i) or (c) of sub-section (1) of section 33, or under section 63 for an offence of encroachment, the Court shall order eviction of the offender from the land in relation to which the offence has been committed and on such order being made, all sheds or structures on such land shall be demolished and if the Court so orders, the crop, if any, standing on the land, shall be seized and confiscated by the State Government.</p> <p>Orders passed and action to be taken under this sub-section may be executed by a Police-officer not below the rank of a Inspector or a Forest-officer not below the rank of a Ranger or as the Court may direct.</p> <p>(4) Any person who in contravention of the provisions of this Act,</p>	
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		<p>illegally cuts, destroys, removes or transports any forest-produce between sunset and sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence, shall be punishable with imprisonment or with a fine or with both which may be double the quantum of the prescribed penalty for the said offence.</p> <p>(5) Any person contravening any provision of this Act or rule made there under, for the contravention of which no penalty has been provided, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both.</p> <p>(6) The Court may, if it so deems appropriate, award the fine or part thereof, imposed under this section to those persons who have helped in the detection of offence and apprehending of the offender, or in both.</p>	
		<p><b>78(A). Persons not to be released on probation-</b></p> <p>Notwithstanding anything contained in the code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the Probation of Offenders Act, 1958 (Central Act 20 of 1958), an offender convicted of any of the offence punishable with mandatory/minimum imprisonment, shall not be released under any provision of the Probation of Offenders Act, 1958.</p>	
		<p><b>78(B). Offences by company or organization-</b></p> <p>(1) Where an offence under this Act has been committed by a company or organization, every person who at the time of the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company or organization, as well as the company or the organization, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or</p>	



		<p>that he exercised due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offences under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company or organization, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceed against and punished accordingly.</p> <p>Explanation : For the purpose of this section –</p> <p>(a) “company” means any body corporate and includes a firm or other association of individuals;</p> <p>(b) “organization” means any group or body includes voluntary group involved in the business of government department, charity or any other work.</p> <p>(c) “director” in relation to firm, means a partner in the firm.</p>	
		<p><b>78(C). Attempts and abetment-</b></p> <p>Whoever attempts to contravene, aids or abets the contravention of any of the provisions of this Act or of any rule or order made there under shall be deemed to have contravened that provision of this Act, rule or order, as the case may be and shall be liable to punishment accordingly.</p>	
		<p><b>78(D). Revision of penalties-</b></p> <p>The Central Government shall have powers to revise, from time to time, the penal provisions i.e. the amount prescribed as fine and the term of imprisonment in any or all sections/clauses under this Act by a notification in the official Gazette.</p>	

**C H A P T E R XIII**  
**MISCELLANEOUS**

Section	Indian Forest Act, 1927	Proposed amendment (with section)	Comments of State/UT Government
1	2	3	4
79.	<b>Persons bound to assist Forest-officers and Police-officer-</b>	<b>79. Persons bound to assist Forest-officers, Police-officers and Revenue-officers-</b>	
(1)	<p>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</p> <p>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,</p> <p>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 takes steps, whether so required by any Forest-officer or Police-officer or not, -</p> <p>(a) to extinguish any forest fire in such forest of which he has knowledge or information;</p> <p>(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,</p> <p>and shall assist any Forest-officer or Police-officer demanding his aid – and</p> <p>(c) in preventing the commission in such forest of any forest-offence; and</p>	<p>(1) Every person who exercises any right, privilege or concession in a reserved or protected or village-forest or who is permitted to take any forest produce from, or to cut or remove timber or to pasture cattle in such forest, and every person living within such forest, and</p> <p>Every person in any village contiguous to such forest who is employed by the Government, who receives emoluments from the Government for services to be performed to the community,</p> <p>shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer or Revenue-officer any information he may possess in respect of the constitution of, or intention to commit, any forest offence, and shall forthwith take steps, whether so required by any Forest-officer or Police-officer or Revenue-officer or not, -</p> <p>(a) to extinguish any forest fire in such forest of which he has knowledge or information;</p> <p>(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,</p> <p>and shall assist any Forest-officer or Police-officer or Revenue-officer demanding his aid;</p> <p>(c) in preventing the commission in such forest of any forest-offence; and</p>	

	<p>(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.</p> <p>(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails –</p> <p>(a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1);</p> <p>(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest;</p> <p>(c) to prevent as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or</p> <p>(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;</p> <p>shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.</p>	<p>(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.</p> <p>(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails –</p> <p>(a) without unnecessary delay to the nearest Forest-officer or Police-officer or Revenue-officer any information required by sub-section (1);</p> <p>(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected or village-forest; or</p> <p>(c) to prevent as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or</p> <p>(d) to assist any Forest-officer or Police-officer or Revenue-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe any such offence has been committed in such forest, in discovering and arresting the offender;</p> <p>(i) shall be liable to forfeit all rights, privileges or concessions that he may have enjoyed, in the reserved or protected or village forest, as the case may be, provided that no such order forfeiting such rights, privilege or concessions shall be passed without hearing the person concerned and recording reasons for such forfeiture. Any such order may be passed by the Divisional Forest-officer and appeal against the same shall lie with the Conservator of Forest of the concerned Circle within a period of sixty days from the date of communication of such order to the person concerned. The order of the Appellate Authority shall be final;</p> <p>(ii) notwithstanding forfeiture of any rights, privileges or concession referred to in this sub-section, he shall also be liable to punishment as prescribed in section 78.</p>	
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		<p><b>79(A). Obligation of officers to assist each other-</b></p> <p>(1) All officers of the Forest, Police, Revenue and other departments of the State Government shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act. Whoever, without lawful excuse, violates the provisions of this section shall be liable to punishment prescribed in section 78.</p> <p>(2) The procedure of punishment provided in sub-section (1) shall be initiated by the concerned Conservator of Forests, subject to the approval by the State Government.</p>	
		<p><b>79 (B). Certain officers bound to assist-</b></p> <p>(1) Every officer of the Government including village level functionaries by whatever description, shall give immediate information to any officer of the Forest, Police and Revenue Department when it come to his knowledge that a forest offence is intended to be committed, or is being committed, or has been committed, and every such officer of the Government, Panch, Sarpanch, Kotwal or Village Police-officer and other village officer who neglects to give such information shall be liable to punishment prescribed in section 78.</p> <p>(2) The procedure of punishment shall be notified by the State Government.</p>	
80	<p><b>Management of forests the joint property of Government and other persons-</b></p> <p>(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 –</p> <p>(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or</p>	<p><b>80. Management of forests or waste-lands in joint interest of Government and other person (s) or in public interest-</b></p> <p>(1) If the Government and any person (s) be jointly interested in any forest or waste-land belonging to that person (s), or in the whole or any part of the produce thereof, the State Government may, on request of the owner of such forests or waste land, either-</p> <p>(a) issue such regulations for the management of the forest, waste-land or produce jointly by the Government and the person (s) interested, or</p>	

	<p>(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.</p> <p>(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.</p>	<p>(b) undertake the management of such forest, waste-land or produce, accounting to such person (s) for his interest in the same.</p> <p>(2) When the State Government undertakes the management of any forest, waste-land or produce either under clause (b) of sub-section (1), it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapters II and III of this Act shall apply to such forest, waste-land or produce for a period decided by the State Government.</p>	
		<p><b>80(A). Notification and promotion of Private Forest-</b></p> <p>(1) The State Government may recognize and notify private forest at the request of the owner in a prescribed manner of such forest provided such forest are used primarily for conservation and preservation including protecting water catchments.</p> <p>(2) Such notified private forest may also be permitted for nature based tourism involving local communities and which is aimed at improving local livelihoods.</p> <p>(3) Such private forest shall be sustainably managed in accordance with a Working Scheme prepared by a recognized forestry institution or forestry experts or any other accredited chartered forester/ institution.</p>	
		<p><b>80(B). Power to Government to apply provisions of this Act to certain lands of Government or local authorities-</b></p> <p>(1) The Central or State Government, as the case may be, may, by notification in the Official Gazette, declare that any of the provisions of this Act shall apply to all or any of lands on the banks of canals, or the sides of roads, or the sides of railway lines or embankment of bunds which are the property of the State or Central Government or a local authority, as the case may be, and thereupon such provisions shall apply to such lands accordingly.</p>	

		<p>(2) The State Government may, by notification in the Official Gazette, declare that any of the provisions of this Act shall apply to all or any part of unclassified State forest lands which are the property of the State or a local authority and thereupon such provisions shall apply to such forest lands.</p>	
		<p><b>80(C). Management of degraded forests or wastelands jointly by the Government and the local body.</b></p> <p>(1) The State Government may, by notification in the Official Gazette, adopt the practice of joint management by the Government and the local body such as the Village Forest Committee (VFC), of degraded forests and wastelands classified as reserved, or protected or village forests or any other class of forest/wasteland or lands notified under section 80.A of this Act.</p> <p>(2) The State Government may provide for the constitution of the Village Forest Committee (VFC) for participatory or Joint Forest Management (JFM) of the degraded forests or wastelands described in Sub-Section (1) and provide for :</p> <p>(a) their constitution and registration, by Registration-officer,</p> <p>(b) the composition, tenure, powers, duties, and responsibilities of the Village Forest Committee,</p> <p>(c) the conduct of election to the Committee,</p> <p>(d) the qualification, disqualification of members of Village Forest Committee, the dissolution of Committee and powers and duties of Forest-officers thereof,</p> <p>(e) the notification by the officer authorized by the State Government of particular degraded forest or wasteland or any other land for joint management for a time period specified therein,</p> <p>(f) sharing mechanism of forest produce from the area of joint management, provided that in case Joint Forest Management is practiced in State owned forest or wasteland, the share of VFC</p>	

		<p>from the final harvest will be at least 33% of the net proceeds and shall not exceed 49% in any case; the first charge of the State share shall be for the regeneration/plantation of the harvested area.</p> <p>(g) audit and accounts of the Village Forest Committee,</p> <p>(h) the appointment of administrator or administrative committee, and</p> <p>(i) settlement of disputes</p> <p>(3) State Government may notify any officer as Registration-officer for the purpose of clause (a) of sub-section (2) and in absence of such information, the Deputy Conservator of Forests of the concerned Division shall be the Registration-officer.</p> <p>(4) The rules to be framed in this regard, by the State Government, may contain such other supplemental, incidental, and consequential provisions as may be deemed necessary or expedient for giving effect to the above provisions.</p> <p>(5)The State Government or any officer authorized by the Government may denotify the area of joint management before the expiry of time prescribed under clause (e) of sub-section (2), if the performance and impact of the joint forest management is not satisfactory.</p> <p>(6) All the provisions of penalties in respect of forests, from which JFM area has been notified, will be applicable to the areas of JFM.</p>	
<b>81.</b>	<p><b>Failure to perform service for which a share in produce of Government forest is enjoyed-</b></p> <p>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</p>	<p><b>81. Failure to perform service for which a share in produce of Government forest is enjoyed-</b></p> <p>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</p>	.

	<p>of the State Government that such service is no longer so performed:</p> <p>Provided that no such share shall be confiscated until the person entitled thereto, and the 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.</p>	<p>service is no longer so performed:</p> <p>Provided that no such share shall be confiscated until the person entitled thereto, and the 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.</p>	
<b>82.</b>	<p><b>Recovery of money due to Government-</b></p> <p>All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.</p>	<p><b>82. Recovery of money due to Government-</b></p> <p>All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or under any contract relating to timber or other forest produce, including any sum recoverable thereunder for the 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, including accrued interest and compensation payable under section 68, awarded to the Government under this Act, or of expenses incurred in the execution of this Act in respect of such produce may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.</p>	
<b>83.</b>	<p><b>Lien on forest-produce for such money-</b></p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p><b>83.Lien on forest-produce for such money-</b></p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	



		(4) The deficit, if any, shall be recovered as an arrear of land-revenue as prescribed in section 82.	
<b>84.</b>	<b>Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894-</b>  Whenever it appears to the State Government that any land is required for any of the purpose 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.	<b>84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894-</b>  Whenever it appears to the State Government that any land is required for any of the purpose 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.	
<b>85.</b>  (1)	<b>Recovery of penalties due under bond-</b>  When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), to be recovered from him in case of such breach as if it were an arrear of land-revenue.	<b>85. Recovery of penalties due under bond-</b>  (1) When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), to be recovered from him in case of such breach as if it were an arrear of land-revenue  (2) If any question arises whether there has been a breach of any of the conditions of such bond or instrument;  (a) as to the sum to be paid for such breach;  (b) as to the person liable to pay such sum;  (c) the question shall be preferred to, and after giving notice to the person concerned and after considering his objection (if any), be decided by an officer not below the rank of the Conservator of forests authorized by the State Government in this behalf and his decision shall be final.	

85.A	<p><b>Saving for rights of Central Government-</b></p> <p>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 that State or otherwise prejudice any rights of the Central Government or the Government or the Government of any other State without the consent of the Government concerned.</p>	<p><b>85(A). Saving for rights of Central Government.</b></p> <p>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 that State or otherwise prejudice any rights of the Central Government or the Government or the Government of any other State without the consent of the Government concerned.</p>	
86.  (1)	<p><b>Repeal by the Repealing and Amending Act. 1947 (2 of 1948), s.2 and Sch.</b></p> <p>THE SCHEDULE – [Enactment replaced.] Rep. by s.2 and Sch., ibid</p>	<p><b>86. Repeal of earlier enactments and provisions/processes of those enactment to be retained-</b></p> <p>(1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed; provided that such repeal shall not –</p> <p>(a) affect the previous operation of the Act so repealed, or anything duly done or suffered there under;</p> <p>(b) affect any right, obligation or liability acquired, accrued or incurred under this Act so repealed;</p> <p>(c) affect any investigations, legal proceedings or remedy in respect to any such right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;</p> <p>(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid Act had not been repealed.</p> <p>(2) Notwithstanding such repeal –</p> <p>(a) anything done or any action taken under the Act so repealed (including any notification, order, certificate notice or receipt issued, application made, or permit granted) which is not</p>	

		<p>inconsistent with the provisions of this Act, be deemed to have been or is being taken under the corresponding provisions of this Act as if this Act were in force at the time such a thing was done or action was taken, and shall continue to be in force, unless and until superseded by anything done or action taken under this Act.</p> <p>(b) every license granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion of the period for which such license had been granted.</p> <p>(3) For the removal of doubts, it is hereby declared that any reserved forests or protected forest declared by a State Government under any act repealed under sub-section (1) shall be deemed to be a reserved forest or protected forest, as the case may be, declared by the State Government under this Act. But the village forest notified out of a reserved forest, under the Indian Forest (Amendment) Act, 2019 or under any State Forest Act will cease to be village forest from the date of this Act comes into force.</p>	
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**C H A P T E R XIV  
OF SUSTAINABLE MANAGEMENT OF FORESTS**

Section	Indian Forest Act, 1927	Proposed amendment (with new section).	Comments of State/UT Government
1	2	3	4
		<p><b>OF SUSTAINABLE MANAGEMENT OF FORESTS</b></p> <p><b>87. Working Plans-</b></p> <p>(1) The State Government shall, from time to time, cause to be prepared working plans for reserved and protected forests and working scheme for village forests, unclassed forests and Council/Community forests and for any other area identified as forests requiring management.</p> <p>(2) Every working plan shall regulate, as hereinafter provided, the management of the forest described in the said working plan for such period, not exceeding fifteen years, as may be stated in the working plan and in conformity with the objectives of management therein stated.</p> <p>Provided that every such working plan shall, as far as possible, ensure to meet the rights, privileges and concessions admitted in such forest and also to meet the bonafide domestic requirements of the neighbouring people in respect of small timber, firewood, edible forest-produce, cut and baled grass and fodder etc., on such terms and conditions as may be deemed fit by the State Government.</p> <p>(3) Every such working plan, subject to general or specific guidelines, which the Central or the State Government may issue from time to time, shall specify with respect to the working period, -</p> <p>(a) the regeneration, afforestation and silvicultural operations to be carried out;</p> <p>(b) the maximum area from or the maximum quantity of forest-produce that may be sustainably available for harvesting or both,</p>	

		<p>as deemed fit;</p> <p>(c) the conservation and other operations to be carried out; and ;</p> <p>(d) such other matters as the Head of the Forest Department of the State concerned may deem fit.</p> <p>(4) Notwithstanding anything contained in any other Act, every working plan shall be approved by the Central Government. Working plan so approved, shall have effect according to its tenure from a date specified therein, and shall not be altered except by the approval of competent authority notified by the Central government.</p> <p>(5) There shall be working scheme for village forests, unclassified forests and council forests and other area identified as forests requiring forest management. The working scheme for these categories shall be approved by state government.</p> <p>(6) Nothing contained in chapter II, III and IV of this Act shall deem to prohibit any act done or permitted to be done by a Forest-officer in accordance with the approved working plan/schemes prescriptions.</p> <p>(6) Without prejudice to the rights existing in any reserved or protected forest, no tree shall be felled nor any timber be removed from such forest except in accordance with an approved working plan or working schemes in the case of other forests;</p> <p>Provided that where there is no current working plan for any reserved or protected forest or working scheme for other forest on the date of coming into force of this Act, the State Government may, by a special order, permit afforestation of degraded forests which does not involve the cutting and removal of any timber, for a period not exceeding five years from the date of coming into force of this Act.</p> <p><b>Explanation:</b> The micro plan prepared for joint forest management area shall be within the framework of approved working plan.</p>	
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		<p><b>87(A). Existing Working Plans, etc. to be valid-</b></p> <p>For the purpose of this Act, the existing working plans duly approved by the Central Government or the working schemes duly approved by the State Government before coming into force of this Act shall be deemed to be approved working plans/schemes for their period of validity, not exceeding fifteen years from the date of notification of this Act.</p>	
		<p><b>88. Prohibition of working in certain areas-</b></p> <p>Notwithstanding anything contained in section 87, the Central Government may, by a notification in the Official Gazette, specify areas of ecological, floral, faunal, geomorphologic, silvicultural, zoological, hydrological association or importance as conservation reserve or community reserve and prohibit or regulate felling of trees or harvesting of any other forest-produce in such area or suspend pasturage of livestock therein, to enable such area to recover its optimum protective and productive functions.</p>	
		<p><b>89. National Forestry Board-</b></p> <p>(1) The Central Government shall within six months of this amendment in the Act coming into force constitute the National Forestry Board (hereinafter referred as “NFB”).</p> <p>(2) The National Forestry Board shall consist of the following members.</p> <p>(i) the Prime Minister of India, as Chairperson;</p> <p>(ii) the Minister of Environment and Forests, Government of India, In-charge of Forest, as Vice Chairperson;</p> <p>(iii) three Members of Parliament of whom two shall be from the House of People(Lok Sabha) &amp; one from the Council of States.</p> <p>(iv) five persons to represent non-governmental organizations to be nominated by the Central Government.</p> <p>Ten persons to be nominated by the Central Government from</p>	

		<p>amongst eminent conservationists, ecologists and persons having experience of working in the forests.</p> <p>(v) one representative of the Tribal Cooperative/federation nominated by the Government of India;</p> <p>(vi) two specialist organization or institution to be decided by the Government of India.</p> <p>(vii) Chief of the Army Staff.</p> <p>(viii) Secretary of the following Ministries in the Government of India as members:</p> <p>(a) Ministry of Environment, Forest and Climate Change;</p> <p>(b) Ministry of Rural Development;</p> <p>(c) Ministry of Finance;</p> <p>(d) Ministry of Agriculture Cooperation and Farmers Welfare;</p> <p>(e) Ministry of Commerce &amp; Industry;</p> <p>(f) Ministry of Science and Technology;</p> <p>(g) Ministry of Tribal Affairs;</p> <p>(h) Ministry of Water Resources;</p> <p>(i) Department of Bio-Technology;</p> <p>(j) Department of Animal Husbandry, Dairying and Fisheries;</p> <p>(k) Ministry of Energy, Department of non- conventional Energy Sources;</p> <p>(l) Ministry of Defence;</p> <p>(m) Ministry of Panchayati Raj.</p>	
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		<p>(ix) The Director General of Forests and Special Secretary to the Government of India;</p> <p>(x) five Principal Chief Conservator of Forests and HoFFs' of States/ UTs as members on rotational basis;</p> <p>(xi) Director, Indira Gandhi National Forest Academy, Dehradun; Additional Director General of Forests (Wildlife);</p> <p>(xii) Additional Director General of Forests (FC);</p> <p>(xiii) Director General, Indian Council of Forestry Research and Education, Dehradun;</p> <p>(xiv) Director, Indian Institute of Forest Management, Bhopal;</p> <p>(xv) Director General, Forest Survey of India, Dehradun;</p> <p>(xvi) Additional Director General of Forests (Forest Conservation) as Member Secretary;</p> <p>(xvii) IGF , Forest Policy, Member Secretary</p> <p>(xviii) The Board may invite any person as a special invitee.</p> <p>(3) The term of the office of the members other than those who are members ex-officio, the manner of filling vacancies and the procedure to be followed in discharge of their functions by the members of the National Forestry Board shall be such as may be prescribed.</p> <p>(4) The members except members ex-officio shall be entitled to receive such allowances in respect of the expenses incurred in the performance of their duties as the Central Government may prescribe.</p> <p>(5) Notwithstanding anything contained in any other law for the time being in force, the office of the member of the National</p>	
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		Forestry Board shall not be deemed to be an office of profit.	
		<p><b>89(A). Standing Committee of the National Forestry Board-</b></p> <p>(1) The National Forestry Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.</p> <p>(2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.</p> <p>(3) The National Forestry Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the function assigned to it.</p>	
		<p><b>89(B). Role and Functions of the National Forestry Board-</b></p> <p>NBF will play the role of oversight to see that the country's forests are protected, conserved and managed sustainably. The functions of the Board will be to aid and advise the Central and State Governments/Union Territory Administrations on all matters concerning forest conservation and sustainable forest management as well as related matters which may arise from time to time. In discharging this role, the Board will be specially concerned with the following:</p> <p>(i) National Forest Policy;  (ii) Forest Conservation;  (iii) legislation on Forest Conservation and Development;  (iv) inter-State matters relating to forests and forest-produce;  (v) identification of broad areas of Forest Research, Education and training ;  (vi) reviewing and proposing recommendations based on Multilateral Environmental Agreements (MEAs).  (vii) making recommendations on the thrust necessary to achieve</p>	

		<p>the objectives in the forestry sector and evaluation of forestry programmes;</p> <p>(vii) appointment of Committee/Sub-Committee/ Working Groups to take up the studies of areas identified by the NFB to be of national importance.</p>	
		<p><b>89(C). Meeting of the National Forestry Board (NFB)-</b></p> <p>The NFB shall meet at least once a year and regulate its own procedure. In the absence of the Chairperson, the Vice Chairperson shall preside over the meeting of the NFB.</p>	
		<p><b>90. National Forest Funds-</b></p> <p>(1) There will be following funds to address restoration, development, improvement and sustainable management of forests and forest biodiversity.</p> <p><b>(a) National Forest Landscape Restoration Fund-</b></p> <p>it will include funds from the public sources as well as international/bilateral grants &amp; loans.</p> <p><b>(b) National Forest Development Trust Fund;</b> it will include all the funds received from private/ corporate sources including contributions under CSR for restoration, development and sustainable management of forests.</p> <p>(2) he funds will be managed by a Steering Committee of the National Forestry Board as per the rules made by the Central Government in this regard.</p>	
		<p><b>91. State Forest Funds-</b></p> <p>(1) There will be following funds to address restoration, development, improvement and sustainable management of forests and forest biodiversity.</p>	

		<p><b>(a) State Forest Landscape Restoration Fund-</b></p> <p>it will include funds from the public sources as well as international/bilateral grants &amp; loans and the grants/contribution made by the Central Government.</p> <p><b>(b) State Forest Development Trust Fund-</b></p> <p>it will include all the funds received from private/ corporate sources including contribution under CSR for restoration, development and sustainable management of forest.</p> <p>The funds will be managed by a Steering Committee appointed by the State Government as per the rules made by the State Government in this regard.</p>	
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