

ASSAM FOREST REGULATION, 1891

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ASSAM FOREST REGULATION, 1891

A Regulation to amend the law relating to forests, forest produce and the duty leviable on timber in Assam. Whereas it is expedient

to amend the law relating to forests, forest-produce and the duty leviable on timber in Assam; It is hereby enacted as follows :

CHAPTER 1

Preliminary

1. . :-

(1) Title, extent and commencement. This Regulation may be called the Assam Forest Regulation, 1891

(2) It extends to the whole of the territories administered by the Government of Assam :

Provided that the State Government may, by notification in the Official Gazette, exempt any place from the operation of the whole or any part thereof, and withdraw such exemption; and

(3) It shall come into force on such day as the State Government by notification in the Official Gazette, directs.

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

2. . :-

3. Definitions :-

In this Regulation and in all rules made thereunder, unless there is something repugnant in the subject or context, Interpretation of statute. When a word has many etymological meanings attributed to it, the same takes its true colour from the text and context. Held: Earth is minor mineral hence forest produce. [Brihattar Dispur Mati v. State of Assam, 2003(2) GLT 446]

(1)" Forest Officer" means any person appointed by name or as holding an office by or under the orders of the State Government to be a Conservator. Deputy Conservator, Assistant Conservator. Forest Ranger. Deputy Ranger, Forester. Assistant Forester, Forest-guard or to discharge any function of a Forest-officer under the Regulation or any rules thereunder :

(2) "tree" includes palms, bamboos, stumps, brushwood and canes:

(3) "timber" means trees when they have felled or have been felled or all wood whether cut out or fashioned or hollowed out for any purpose or not and includes tree when cut into pieces or sizes or

peeled out or sliced out (veneer) for manufacturing of plyboard, block board or any other purposes or not."1

1. Sub-section (3) of section 3 was substituted vide Assam Act No. XIV of 1995.

CHAPTER 2

Reserved Forest

4. Power to constitute reserved forest :-

The State Government may constitute any land at the disposal of the Government a reserved forest in manner hereinafter provided.

5. Notification by State Government of proposal to constitute a reserved forest :-

(1) Whenever it is proposed to constitute any land a reserved forest, the State Government shall publish a notification in the Official Gazette.

(a) specifying, as nearly as possible, the situation and limits of such land;

(b) declaring that it is proposed to constitute such land a reserved forest; and,

(c) appointing an officer (hereinafter called the Forest Settlement Officer), to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of any person in or over any land comprised within such limits, any claims relating to the practice within such limit of jhum-cultivation. and to deal with the same as provided in this Chapter

(2) The Forest Settlement Officer shall ordinarily be a person other than a Forest Officer, but a Forest Officer may be appointed by the State Government to assist the Forest Settlement Officer in the inquiry prescribed by this Chapter.

6. Proclamation by Forest Settlement Officer :-

When a notification has been published under Section 5, the Forest Settlement Officer shall publish in the language of the country, at the headquarters of each district and subdivision in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation

(a) specifying, as nearly as possible, the situation and limits of the

proposed forest;

(b) setting forth the substance of the provisions of the next following Section

(c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(d) fixing a period of not less than three months from the date of publication such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in Section 5 either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right or claim.

7. Bar of accrual of forest right after proclamation :-

(1) During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be reserved as hereinafter provided, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right or power to create such right was vested when the proclamation was published; and on such land no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or, manufacture except as hereinafter provided.

(2) Nothing in this Section shall be deemed to prohibit any act done with the permission in writing of the Forest Settlement Officer, or any clearings lawfully made for jhume cultivation by persons in the habit of practising such cultivation on such land.

8. Inquiry by Forest Settlement Officer :-

(1) The Forest Settlement Officer shall take down in writing all statements made under Section 6. and shall inquire into all claims made under that Section and the existence of any right or practice mentioned in Section 5 in respect of which no claim is made.

(2) The Forest Settlement Officer shall at the same time consider and recorded any objection which (he Forest Officer, if any appointed under Section 5 to assist him. may make to any such claim or with respect to the existence of any such right or practice.

9. Powers of Forest Settlement Officer :-

For the purposes of such inquiry the Forest Settlement Officer may exercise

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

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

10. Treatment of claims relating to practice of jhum cultivation :-

(1) In the case of a claim relating to the practice of jhum cultivation, the Forest Settlement Officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion the State Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement Officer may arrange for its exercise

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent of a suitable kind, and in a locality reasonably convenient for the purpose of the claimants, or

(b) by causing certain portion of the land under settlement to be separately demarcated, and giving permission to the claimants to practise JHUM-cultivation therein under such conditions as he may prescribe. All arrangements made under this sub-Section shall be subject to the previous sanction of the State Government.

(4) The practice of jhum-cultivation shall in all cases be deemed to be a privilege subject to control, restriction and abolition by the State Government, and not to be a right.

11. Power to acquire land over which right is claimed :-

(1) In the case of claim to a right in or over any land other than the following rights, namely,

(a) a right-of-way.

(b) a right to a water-course or to use of water,

(c) a right of pasture or to forest-produce, the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

(2) If such claim is admitted wholly or in part, the Forest Settlement Officer may.

(x) come to an agreement with the claimant for the surrender of the right, or

(y) exclude the land from the limits of the proposed forest, or

(z) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870 (X of 1870).

(3) For the purpose of so acquiring such land

(i) the Forest Settlement Officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870 (X of 1870);

(ii) 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;

(iii) the provisions of the preceding Sections of that Act, (X of 1870). shall be deemed to have been complied with; and

(iv) the Collector, with the consent of the claimant, may award compensation in land, or in money, or partly in land and partly in money.

12. Order on claim to rights-of-way, water-course or pasture, or to forest produce :-

(1) In the case of a claim to a right of a kind specified in Clause (a). Clause (b) or Clause (c) of Section 11. Sub-Section (1) the Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

(2) When an claim to any such right is admitted, if the right is for the beneficial enjoyment of any land or building, the Forest Settlement Officer shall recorded the designation, position, and area of such land or the designation and position of such building.

(3) Where the right is a right to forest-produce, the Forest Settlement Officer shall record whether the forest-produce obtained by the exercise of such right may be leased sold or bartered, and such other particulars as may be necessary in order to define the existence, nature and extent of the right.

13. Provision for rights of pasture or to forest-produce admitted :-

(1) When the Forest Settlement Officer has admitted wholly or in part and recorded under the last foregoing Section a claim to a right of pasture or to forest produce, he shall as far as possible, provide for the exercise of such right

(a) by altering the limits of the proposed reserved forest so as to exclude land of sufficient extent of a suitable kind and in a locality reasonably convenient for the purposes of the claimant, or

(b) by recording an order continuing to the claimant a right of pasture or to forest produce, as the case may be, subject to such rules as may be prescribed by the State Government.

(2) An order passed under Clause (b) of sub-Section (1) shall record, as far as practicable.

(i) where the right is a right of pasture, the number and description of the cattle which the claimant is from time to time notified to graze, and the local limits within which and the seasons during which such pasture is permitted, and

(ii) where the right is a right to forest produce, the quantity of such produce which the claimant is authorised to take or receive, and the local limits within which, the season during which, and the mode in which, the taking or receiving of such produce is permitted, and

(iii) whether the right is a right of pasture or a right to forest produce, such other particulars as may be required in order to define the extent of the right which is continued, the mode in which it may be exercised and the extent to which the benefit thereof may be leased, sold or bartered.

14. Commutation of such rights :-

Whenever any right of pasture or to forest produce admitted under Section 12 is not provided for in one of the ways prescribed in Section 13, the Forest Settlement Officer shall, subject to such

rules as the State Government may prescribe in this behalf commute such right by paying a sum of money in lieu thereof or, with the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

15. Appeal from order passed under foregoing Sections :-

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

16. Appeal under the last foregoing Section :-

(1) Every appeal under the last foregoing Section shall be made by petition in writing and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the officer competent to hear the same.

(2) Every such appeal shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to revenue, and except as hereinafter provided, the order passed on the appeal shall be final.

17. Notification declaring forest reserve :-

(1) When the following events have occurred, namely.

(a) the period fixed under Section 6 for preferring claims has elapsed and all claims, if any, made within such period have been disposed of by the Forest Settlement Officer, and

(b) if such claims have been made, the period fixed by Section 15 for appealing from the orders passed on such claims has elapsed, and all appeals, if any, presented within such period have been disposed of by the appellate officer and.

(c) all lands, if any, to be included in the proposed reserved forest which the Forest Settlement Officer has under Section 11, elected to acquire under the Land Acquisitions Act, 1870 (X of 1870) have become vested in the Government under that Act. the State Government may publish a notification in the Official Gazette,

specifying the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

18. Extinction of rights not claimed :-

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 8 shall thereupon be extinguished, unless, before the publication of such notification, the person claiming them has satisfied the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under Section 6.

19. Publication of translation of such notification on neighbourhood of forest :-

The Deputy Commissioner of the district in which the forest is situated shall, before the date fixed by such notification, cause a translation thereof in the language of the country to be published in the manner prescribed for the proclamation under Section 6.

20. Power to revise arrangement made under Section 13 or 16 :-

The State Government may, within five years from the publication of any notification under Section 17 revise any arrangement made under Section 13 or 16, and may rescind or modify any order made under this Chapter and direct that any one of the proceedings specified in Section 13 be taken in lieu of the other of such proceedings, or that a right admitted under Section 12 be commuted in the manner mentioned in Section 14.

21. Acquisition of right over reserved forest :-

No right of any description shall be acquired in or over a reserved forest, except by succession or under grant or contract in writing made by, or with the previous sanction of, the State Government or some person in whom such right, or the power to create such right, was vested when the notification under Section 17 was published.

22. Alienation of right in reserved forest :-

(1) Notwithstanding anything herein contained, no right continued under Section 13 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the previous sanction of the State

Government:

Provided that, when any such right is continued for the beneficial enjoyment of any land or building, it may be sold or otherwise alienated with such land or building without such sanction.

(2) The benefit of any right continued under Section 13 shall not be leased, sold or bartered, except to the extent defined by the order recorded under that sanction.

23. Power to stop ways and water-courses in reserved forest :-

Any Forest Officer may, from time to time, with the previous sanction of the State Government or of a Forest Officer or other officer authorised by the State Government in this behalf, stop any public or private way or water course in a reserved forest :

Provided that for the way or water course so stopped another way or watercourse which, in the opinion of the State Government is equally convenient already exists or has been provided or constructed by the Forest Officer stopping the way or water course.

24. Penalties for trespass or damage in reserved forests :-

Any person who in a reserved forest

- (a) trespasses, or pastures cattle or permits cattle to trespass, or
- (b) causes any damage by negligence in felling any tree or cutting or dragging any timber, *¹

(c) * * * * * ²

"Shall be punished with fine which may extend to five thousand rupees or with imprisonment which may extend to one year or with both, or When the damage resulting from Ms offence amounts to more than one thousand rupees, with fine which is not less than five thousand rupees or with imprisonment which is not less than one year but may extend to three years or with both "³

1. The words "or" omitted by Assam Act III of 1933.

2. Clause (e) omitted vide Ibid.

3. Substituted vide Assam Act No. XIV of 1995.

25. Acts prohibited in such forest :-

Any person who

- (a) makes any fresh clearing prohibited by Section 7, or
- (b) sets fire to a reserved forest, or, in contravention of any rules

by the State Government kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest, or who in any such forest.

(c) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest Officer specially empowered in this behalf may from time to time notify, or

(d) fells, cuts, girdles, marks, lops, taps, or injures by fire or otherwise any tree, or

(e) quarries stone, bums lime or charcoal, or collects, subject to any manufacturing process or removes any forest produce, or

(f) clears or breaks up any land for cultivation or any other purpose, [or]

(g) poisons water or, in contravention of any rules made by the State Government; hunts, shoots, fishes or sets traps or snares. " Shall be punished with imprisonment for a term which is not less than one year but may extend to three years or with fine which may extend to five thousand rupees or with both. "

26. Acts excepted from Sections 24 and 25 :-

Nothing in Section 24 or Section 25 shall be deemed to prohibit

(a) any practice of jhum cultivation permitted under Section 10, or

(b) the exercise in accordance with the rules, if any, made by the State Government under Section 13, of any right continued under that Section, or

(c) the exercise of any right created by grant or contract in the manner described in Section 21, or

(d) any act done with the permission in writing of a Forest Officer specially empowered to grant such permission.

27. Penalty for offences committed by persons having rights in reserved forests :-

Whenever fire is caused wilfully or by gross negligence in a reserved forest by any person having rights in such forest or permission to practice jhum cultivation therein, or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of Section 22, the State Government may, notwithstanding the inflictions of any punishment under this Regulation, direct that in such forest, or any

specified portion thereof, the exercise of all or any of the rights of pasture to forest produce shall be extinguished, or for such period as it may be suspended, and with respect to the practice of jhum cultivation, may take such action under Section 10, sub-section (4), as may seem to it to be proper.

28. Power to declare forest no longer reserved :-

(1) The State Government may, by notification in the Official Gazette, direct that from a date to be fixed by such notification, any forest, or any portion thereof, reserved under this regulation shall cease to be reserved.

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

CHAPTER 3

Village Forests

29. Constitution of village forests :-

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

(2) Every such notification shall specify the limits of such village forest.

30. Power to make rules for village forests :-

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

(2) The State Government may, by such rules, declare any of the provisions of Chapter II of this Regulation to be applicable to village forests.

31. Inquiry into, and settlement of rights :-

All claims to any rights other than the rights of the village communities for the benefit of which such village forest is

constituted shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Regulation .

CHAPTER 4

General protection of Forests and Forest produce

32. Reserved trees in unsettled tracts :-

The State Government may, by notification in the Official Gazette,

(a) declare that any trees or any specified class of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees;

(b) vary or cancel any such notification.

33. Protection of reserved trees :-

No person shall fell, cut, girdle, mark, lop, tap, or injure by fire or otherwise any reserved tree, except in accordance with rules made by the State Government in this behalf or as provided by the last Section of this Chapter.

34. Protection of unsettled forests belonging to the Government :-

(1) No person shall make use of any forest produce of any land at the disposal of the Government and not included in a reserved forest or village forest, except in accordance with rules to be made by the State Government in this behalf, or as provided by the last Section of this Chapter.

(2) Such rules may, with respect of such land,

(a) regulate or prohibit the cutting of jhums or the issue of grant or leases on behalf of the Government:

(b) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(c) regulate or prohibit the felling, cutting, girdling, marking, lopping, tapping, or injuring by the fire or otherwise of any trees, the sawing; conversion and removal of timber, and the collection and removal of other forest produce;

(d) regulate or prohibit the quarrying of stone, the boiling of catechu or the burning of lime or charcoal;

(e) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments, if any, to be made for such cutting or

pasturing;

(f) prohibit the poisoning or water, and regulate or prohibit hunting, shooting and fishing, and the setting of traps or snares;

(g) regulate the sale or free grant of forest produce; and

(h) prescribe, or authorise any Forest Officer to prescribe, subject to the control of the State Government, the fees, royalties or other payments for forest produce, and the manner in which such fees, royalties or other payments are to be levied, whether in transit, or partly in transit, or otherwise.

(3) The State Government may exempt any person or class of persons, or any local area, from the operation of any such rule, and may cancel such exemption.

35. . :-

(1) If any person infringes the provisions of Section 3, he shall be punished with imprisonment for a term which is not less than one year but may extend to three years or with fine which may extend to five thousand rupees, or with both.

(2) The State Government may, by a rule under Section 34, attach to the breach of any rule under that Section any punishment not exceeding that mentioned in sub-Section (1).

36. **Nothing in this Chapter to prohibit acts done in certain cases** :-

Nothing in this Chapter, or in any rule under this Chapter, shall be deemed to prohibit any act done in the exercise of any right or with the permission in writing of a Forest Officer specially empowered to grant such permission.

CHAPTER 4A

Of the control over Forests and Waste Lands not being the Property of Government

36A. **Protection of forests for special purposes** :-

(1) The State Government may, by notification in the Official Gazette regulate or prohibit in any forest or waste land

(a) the breaking up or clearing of land;

(b) the pasturing of cattle; or

(c) the firing or clearing of the vegetation; when such regulation or prohibition appears necessary in the public interest for any of the

following purposes :

(i) for protection against storms, winds, rolling stones, floods and avalanches,

(ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land-slips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

(iii) for the maintenance of a water-supply in springs, rivers and tanks ;

(iv) for the protection of public roads, public bridges, railways, and other lines of communication;

(v) for the preservation of the public health.

(2) The State Government may. for any such purpose construct at its own expense, in or upon any forest or waste land, such work as it thinks fit.

(3) No notification shall be made under sub-Section (1) nor shall any work be begun under sub-Section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any. and any evidence he may produce in support of the same, have been heard by an officer not below the rank of a Deputy Commissioner duly appointed in that behalf.

(4) All objections filed under the preceding sub-Section, together with the proceedings of the Special officer relating thereto, shall be referred to the State Government for orders. On receipt of such reference, and after hearing such further cause as the objector may have to show, the State Government shall pass such orders as it thinks fit. In any case in which an order under sub-Section (1) or action under sub-section (2) is. in the opinion of the State Government likely to disturb substantially the owner's rights in the land to which such order or action relates, the State Government may award to such owner such compensation as it may deem equitable:

Provided that any compensation so paid shall be deducted from the amount payable to the owner under the provisions of the Land

Acquisition Act. 1894 (Act I of 1894), in the event of action being taken under the provisions of Section 36-C.

36B. (1) In case of neglect of. or wilful disobedience to, any regulation or prohibition under Section 36-A, or if the purposes of any work to be constructed under that Section so require, the State Government may. after notice in writing to the owner of such forest of land and after considering is objections, if any, place the same under the control and management of a Forest Officer and may declare that all or any of the provisions of this Regulation shall apply to such forest or land. :-

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

36C. Expropriation of forests in certain cases :-

(1) In any case under this Chapter in which the State Government considers that, in lieu of placing the forest or land under the control and management 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 (Act 1 of 1984).

(2) The owner of any forest or land comprised in any notification under Section 36-A, 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, 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.

36D. Protection of forests at request of owners :-

(1) The owner of any land or. if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Deputy Commissioner their desire

(a) that such land be managed on their behalf by the Forest Officer on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Regulation 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 Regulation as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER 5

Duty on Imported Forest produce

37. Power to impose duty on forest produce :-

(1) The Central Government may levy a duty in such manner, at such places and at such rates as it may prescribe by notification in the Official Gazette, on all forest produce which is brought into the territories to which this Regulation extends from any place beyond those territories.

(2) In every case in which such duty directed to be levied ad valorem, the Central Government may, by like notification, determine the manner in which the value is to be ascertained.

(3) Until provision to the contrary is made by the Parliament the State Government may continue to levy on forest produce brought into the territories to which this Regulation extends from any place in the State beyond those territories any duty which it was levying immediately before the commencement of the Constitution;

Provided that nothing in this sub-Section authorises the levy of any duty which as between forest produce of the State and similar produce of a locality outside the State discriminates in favour of the former, or which, in the case of forest produce of localities outside the State discriminates between forest produce of one locality and similar forest produce of another locality.

38. Power to exempt forest produce from duty :-

The Central, or as the case may be, the State Government may exempt any forest-produce from the duty to which it is liable under the last foregoing Section, and revoke such exemption.

39. Provisions of Chapter not to limit purchase money or royalty :-

Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty in respect of any forest produce.

CHAPTER 6

Control of Forest produce in Transit

40. Power to make rules to regulate transit of forest produce :-

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

(2) Such rules may, among other matters,

(a) prescribe the routes by which alone forest produce may be imported into, exported from or moved within the territories to which this Regulation extends;

(b) prohibit the import, export, collection or moving of forest produce without a pass from an officer authorised to issue the same or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue production and return of such passes;

(d) fix, or authorise any Forest Officer, subject to the control of the State Government to fix the fees payable for such passes;

(e) in the case of timber formed into a raft or fastened to the shore prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government:

(f) provide for the stoppage, reporting, examination and marking of forest produce in transit in respect of which there is reason to believe that any money is payable to the Government or to which it is desirable, for the purposes of this Regulation, to affix a mark;

(g) establish revenue-stations to which forest produce is to be taken by the persons in charge of it for examination, or for the realization of such money, or in order that such mark may be affixed to it. and prescribe, or authorise a Forest Officer, subject to such control as aforesaid, to prescribe, the conditions under which forest produce is to be brought to, stored at and removed from such revenue-stations;

(h) provide for the management and control of such revenue stations. and for regulating the appointment and duties of persons employed thereat.

(i) authorise the transport of timber across any land, and provide

for the award and payment of compensation for any damage done by the transport of such timber;

(j) prohibit the closing up or obstruction of the channel or banks of any river used for the transit of forest produce and the throwing of grass, brushwood, branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel:

(k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river and for recovering the cost of such prevention or removal from the person causing such obstruction;

(l) prohibit absolutely, or subject to conditions, rules, within specified local limits, the establishment of saw mills, saw pits, veneer mills, plywood factories and any kind of forest based industries for the purpose of conversion, manufacturing, peeling, slicing, cutting, burning concealing, marking or super marking the timber, altering or effecting any of the marks on the same and possession or earning of marking hammers or other implements, used for marking timber; and

(m) regulate the use of property-marks for timber and the registration of such marks, authorise the refusal or cancellation of the registration of any property-marks; prescribe the time for which the registration of property marks is to hold good, limit the number of such marks which may be registered by any one person, and provide for the levy of fees, for such registration.

(3) The 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.

40A. Powers of Central Government as to movement of timber across customs frontiers :-

Notwithstanding anything in Section 40, 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 Assam across any customs frontier as defined by the Central Government, and any rules made under Section 40 shall have effect subject to the rules made under this Section.

41. Penalties for breach of rules under the last foregoing Section :-

(1) The State Government may by a rule under the last foregoing Section, attach to the breach of any rule under that Section any punishment not exceeding imprisonment for a term which may extend to three years or fine which may extend to five thousand rupees or both.

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

42. All persons bound to aid in case of accident at revenue station :-

In case of any accident or emergency involving danger to any property at a revenue station established under a rule made under Section 40, every person employed at such revenue station, whether by the Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger and securing such property, from damage or loss.

CHAPTER 7

Collection of drift, stranded and other timber

43. Certain kinds of timber to be deemed the property of the State Government until title thereto proved :-

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

(a) timber found adrift, [beached], stranded or sunk.

(b) timber bearing marks which have not been registered under rules made Section 40,

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

(d) in such areas as the State Government directs, all unmarked timber, shall be deemed to be the property of the State Government unless and until any person establishes his right thereto as provided in this Chapter.

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

timber.

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

44. Notice to claimants of timber of those kinds :-

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

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

45. Procedure on claim preferred to such timber :-

(1) When any such statement is presented as aforesaid, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

(3) Any person whose claim has been rejected under this Section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation against the Government or against any Forest Officer on account of such rejection or the detention or removal of any timber or the delivery thereof to any other person under this Section.

(4) No such timber shall be subject to process of any Civil Court until it has been delivered, or a suit brought under this Section has been decided.

46. Disposal of unclaimed timber :-

Where no statement is presented in the manner and within the period prescribed by notice issued under Section 44, or where such statement having been so presented and the claim rejected, the

claimant omits to institute a suit to recover possession of such timber within the further period mentioned in Section 45, the ownership of such timber shall vest in the State Government free from all encumbrances or when such timber has been delivered to another person under Section 45, in such other person free from all encumbrances not created by him.

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

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

48. Power to make rules and prescribe penalties :-

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

(a) the salving, collection and disposal of all timber mentioned in Section 43;

(b) the use and registration of boats used in salving and collecting timber;

(c) the amount to be paid for solving, collecting, moving, storing and disposing of such timber; and

(d) the use and registration of hammers and other implements to be used for marking such timber.

(2) The State Government, may by a rule under this Section, attach to the breach of any rule under this Section any punishment for exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both.

CHAPTER 8

Penalties and Procedure

49. Seizure of property liable to confiscation :-

(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, motorised boats, vessels, cattle, carts, rafts, machinery, vehicles, tracks, ropes, chains or any other implements, articles or materials used in the commission of such offence may be

seized by any Forest Officer not below the rank of a Forester or any Police Officer not below the rank of a Sub-Inspector of Police.

(2) Every Officer, seizing any property under sub-Section (1). shall place on such property or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, as soon as may be, either produce the property seized before an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf by notification in the Official Gazette (hereinafter referred to as the ' Authorised Officer') or where it is, having regard to the quantity or the bulk or any other genuine difficulty, not practicable to produce the property seized before the authorised Officer, or where it is intended to launch prosecution against the offender, immediately make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that where the forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the Officer makes, as soon as may be, a report of the circumstance to his Official superiors.

(3) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of any forest produce in respect of which any forest offence has been committed, require the driver or any other person or persons in-charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried, which are in possession of such driver or other person in-charge of the vehicle.

(4) Subject to the provisions of sub-sections (5) and (6), where the Authorised Officer upon production before him of the property seized or upon receipt of a report about seizure as the case may be, and after such personal inspection of verification as he may deem fit and necessary, is satisfied that a forest offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded therein, confiscate the forest produce so seized together with all tools, vehicles, cattle, trucks, motorised boats, boats, carts, machineries rafts, vessels, ropes chains or any other implements or articles used in committing such offence. A copy of the order of confiscation shall, without any undue delay, be

forwarded to the Circle Conservator of Forests of the Circle in which the forest produce has been seized and the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(5) No order confiscating any property shall be made under the preceding provisions unless the Authorised Officer

(a) sends an intimation in the prescribed form about the initiation of the proceeding for confiscation of property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;

(b) issue a notice in writing to the person from whom the property is seized and to any other person who may appear to the Authorised Officer to have some interest in such property and in cases of motorised boats, vessels, vehicle trucks etc. having a registered number to the registered owner thereof;

(c) affords to the persons referred to in Clause (b) above a reasonable opportunity of making a representation within such reasonable time as may be specified in the notice, against the proposed confiscation; and

(d) gives to the Officer effecting the seizure and the person or persons referred to in Clause (b) or (c) above, a reasonable opportunity of being heard on a date or dates to be fixed for the purpose.

(6) Notwithstanding anything contained in the foregoing provisions, no order of confiscation under sub-Section (4) of any tools, boats, motorised boats, vessels cattle, carts, rafts, machinery, vehicles, trucks, ropes, chains or any other implements, articles (other than timber or forest produce) shall be made if any person referred to in Clause (b) of sub-Section (5) proves to the satisfaction of the Authorised Officer that such tools, vehicles, machinery, trucks, vessel boats, motorised boats, rafts, carts, cattle, ropes, chain or any other implements articles were used without his knowledge or connivance or abetment or as the case may be, without the knowledge or connivance or abetment of his servant or agent and that all reasonable and due precautions had been taken against the use of the object aforesaid for the commission of forest offence.

49A. Power to release property seized under Section 49 :-

Any Forest Officer not below the rank of a Forest Ranger, whose

subordinate has seized any tools, vehicles, trucks, vessels, rafts, machinery, boats, motorised boats cattle, ropes, chains or any other implements, articles, etc. under Section 49, may release the same on the execution by the owner or the person in-charge 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 or before any Authorised Officer whenever required for the purpose as mentioned under Section 49 to proceed ahead with the offence on account of which the seizure has been made :

Provided that whenever such release is made, the Officer releasing the property shall immediately make a report to the Authorised Officer describing the circumstances and the reasons for the release of the property to the claimant or the owner or the person in charge of the property.

49B. Review :-

Any Forest Officer not below the rank of a Conservator of Forests specially empowered by the State Government in this behalf by notification in the Official Gazette may, sou-moto or on application by the aggrieved person call for and examine any record or any order under Section 49(4) and may make such enquiry or cause such enquiry to be made and may pass such order as he deems fit,:

Provided that no order under this Section shall be made if in the meantime an appeal has been preferred under Section 49-C:

Provided further that no order prejudicial to any person shall be passed without giving him a reasonable opportunity of being heard.

49C. Appeal :-

Any person aggrieved by an order under Section 49(4) or Section 49-B may, within thirty days from the date of communication to him of such order prefer an appeal to the District Judge having jurisdiction over the area in which the property has been seized and the District Judge shall after giving a reasonable opportunity of being heard to the parties, pass such order either varying, confirming, modifying, annulling or setting aside the order appealed against and the order of the Court so passed shall be final.

Explanation: The time required for obtaining the certified copy of the order of confiscation or the order passed under Section 49-B shall be excluded while computing the period of thirty days referred

to in this Section.¹

1. Section 49 and 49-A were substituted and Sections 49-B and 49-C were inserted vide Assam Act No. XIV of 1995.

50. Procedure on receipt by Magistrate of report of seizure

:-

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

Provided that before passing any order for disposal of property the Magistrate shall satisfy himself that no intimation under sub-Section (5) of Section 49 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of the property has been made.¹

1. Proviso below Section 50 was added vide Assam Act No. XIV of 1995.

51. Forest produce, tools, etc. when liable to confiscation :-

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

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

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

When the trial of forest offence concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of the Government or has been confiscated be taken possession of by a Forest Officer specially empowered in this behalf, and in any other case shall be disposed of in such manner as the Court may order.

53. Procedure when offender is not known or cannot be found :-

(1) When the offender is not known or cannot be found, the Magistrate inquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be

confiscated and taken possession of by a Forest Officer specially empowered in this behalf, or to be made over to such Forest Officer or other person as the Magistrate may consider entitled to the same:

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

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

54. Procedure as to perishable property seized under Section 49 :-

The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under Section 49 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

55. Appeal from orders under Sections 51, 52 and 53 :-

Any person claiming to be interested in property seized under Section 49 may, within one month from the date of any order passed by a Magistrate under Section 51, Section 52 or Section 53, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

56. Vesting of confiscated property in the State Government :-

When an order for the confiscation of any property has been passed under Section 51 or Section 53, and the period limited by Section 55 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the State Government free from all incumbencies.

57. Saving of power to release properties seized :-

Nothing hereinbefore contained shall be deemed to prevent any Forest Officer or other officer empowered in this behalf by the State

Government from directing, at any time, the immediate release of any property seized under Section 49 which is not the property of the Government and the withdrawal of any charge made in respect of such property.

58. Punishment for wrongful seizure :-

(1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

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

59. Penalty for counterfeiting or defacing marks on trees and for altering boundary marks :-

Whoever, with intent to cause damage or injury to the public or to any person, or the cause wrongful gain as defined in the Indian Penal Code (XLV of 1860),

(a) knowingly counterfeits upon any tree or timber a mark used by Forest Officers to indicate that such tree or timber is the property of the Government or of some person, or that it may lawfully be felled or removed by some person or

(b) unlawfully affixes to any tree or timber a mark used by Forest Officers, or

(c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a Forest Officer, or

(d) alters, removes, destroys or defaces any boundary mark of any forest or waste land to which any provisions of this Regulation apply. Shall be punished with imprisonment for a term which is not less than three years and may extend to seven years or with fine which is not less than five thousand rupees or with both.¹

1. Substituted vide Assam Act No. XIV of 1995.

60. Power to arrest without warrant :-

(1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence

punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond

(2) Every officer making an arrest under this Section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case.

(3) Any Forest Officer or Police Officer who vexatiously or maliciously arrests any person on the pretence that he is suspected of having been concerned in any forest offence or otherwise as provided by Section 60(1) of this Regulation shall be punished with imprisonment for a term which may extend to six months; or with fine which may extend to five hundred rupees, or with both.

(4) No Forest Officer or Police Officer shall detain in custody a person arrested under sub-Section (1) of this Section for a longer period than under all the circumstances of the case is reasonable; and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court having jurisdiction in the case,

61. Power to prevent commission of offence :-

It shall be the duty of every Forest Officer and Police Officer to prevent, and any such officer may interfere for the purpose of preventing, the commission of any forest offence.

62. Power to compound offences :-

(1) The State Government may by notification in the Official Gazette, empower a Forest Officer by name, or as holding an office,

(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 58 or Section 59, an sum of money by way of compensation for the offence which such person is suspected to have committed, and

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

(2) On the payment of such sum of money, or such value, or both as the case may be, to such officer, the suspected person, if in custody shall be discharged, the property, if any, seized shall be

released and no further proceedings shall be taken against such person or property.

(3) No Forest Officer shall be empowered under this Section unless he is of the rank of an Assistant Conservator of Forests or above and the sum of money accepted as compensation under sub-Section (1), Clause (a) shall in no case exceed five thousand rupees.¹

1. Sub-Section (3) of Section 62 was substituted vide Assam Act No XIV of 1995.

63. Presumption that forest produce belongs to Government

:-

When in any proceedings taken under this Regulation or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property of the Government such produce shall be presumed to be the property of the Government until the contrary is proved.¹

1. Section 63 omitted by the Assam Act n of 1943. The existing Section was again inserted by the Assam Act XXXVII of 1950.

64. Compensation for damage caused by commission of offences :-

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

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

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

appeal shall be final.

1. Sub-Section (1) of Section 64 was substituted vide Assam Act No. XIV of 1995.

65. Forfeiture of leases :-

When the holder of any lease, license or contract whatsoever granted or continued by Or on behalf of the Government for any of the purposes of this Regulation commits an offence against this Regulation or any rule thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, licence or contract, and the State Government is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any neglect or default on his part, the State Government may by order in writing, declare the lease, license or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order not being prior to the date of the commission of the offence.

CHAPTER 9

Cattle Trespass

66. Cattle Trespass Act, 1871, to apply :-

Cattle trespassing in a reserved forest or in a village forest shall be deemed to be cattle doing damage to a public plantation within the meaning of Section 11 of the Cattle Trespass Act, 1871 (1) of 1871), and may be seized and impounded as such by any Forest Officer or Police Officer.

67. Power to alter fines fixed by that Act :-

The State Government may. by notification in the Official Gazette, direct that, in lieu of the fines fixed by Section 12 of the Act, last aforesaid, there shall be levied for each head of cattle impounded under Section 66 of this Regulation such fines as it thinks fit, but not exceeding the following, namely:

CHAPTER 10

Forest Officers

68. Investiture of forest Officer with certain powers :-

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

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;
- (c) powers to issue search-warrants under the Code of Criminal Procedure. 1882 (X of 1882);(Now II of 1974).
- (d) powers to hold inquiries into forest-offences, and in the course of such inquiries to receive and record evidence;
- (e) powers to notify the seasons and manner in which fire may be kindled, kept or carried in reserved forest;
- (f) power to grant any permission referred to in Sections 26 and 36;
- (g) power to notify stations for the reception of drift timber;
- (h) power to give public notice of timber collected under Section 43;
- (i) powers to take possession of property under this regulation;
- (j) power to direct the release of property or withdrawal of charges; and may withdraw any power so conferred.

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

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by Section 355, Section 356 or Section 357 of the Code of Criminal Procedure. 1882 (X of 1882).(Now II of 1974).

69. Forest Officers deemed public servants :-

All Forest Officer shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

70. Indemnity for acts done in good faith :-

No suit or criminal prosecution or other legal proceeding shall lie against any public servant or anything done in good faith or omitted to be done likewise under these Regulations or the rules or orders made thereunder.

71. Forest Officers not to trade :-

No Forest Officer shall, as principal or agent, trade in forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in India or

in any foreign territory.

CHAPTER 11

Supplemental Provisions

72. Additional powers to make rules :-

The State Government may make rules, consistent with this Regulation,

(a) to declare by what Forest Officer or class of Forest Officers the power or duties conferred or imposed by or under this Regulation on a Forest-Officer are to be exercised or performed;

(b) to regulate the procedure of Forest Settlement Officer;

(c) to provide for ejectment of any person who has entered into unauthorised occupation in a Forest Reserve and for the disposal of any crops raised or other construction erected without authority in Forest Reserves: No Civil Court shall exercise jurisdiction in any matter provided for by the rules made under this clause.

(d) to regulate the rewards to be paid to officers and informers; and

(e) generally, to carry out the provisions of this Regulation.

73. Rules when to have force of law :-

All rules made by the State Government under this Regulation shall be published in the Official Gazette, and shall thereupon have the force of law.

74. Persons bound to assist Forest Officer and Police Officer :-

Every person who exercises any right in a reserved forest or village forest, or who is permitted to remove any forest produce from, or to pasture cattle or practice jhum cultivation in, such forest and every person who is employed by such person in such forest, and every person in any village contiguous to such forest, who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish, without unnecessary delay, to the nearest Forest Officer or Police Officer any information which he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest offence, and shall assist any Forest Officer or Police Officer demanding his aid

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;
- (c) in preventing the commission in such forest of any forest-offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

75. Recovery of money due to the Government :-

All money other than fines, payable to the Government under this Regulation, or under any rule made thereunder, or on account of the price of any forest produce or expenses incurred in the execution of this Regulation in respect of any forest produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue.

76. Lien on forest produce for such money :-

(1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer specially empowered in this behalf, and may be retained by him until such amount has been paid.

(2) If such amount is not paid when due, such Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Provided that when, no price is offered or the price offered in such auction is considered inadequate the sale by such auction shall be stopped and such Forest Officer shall sell the produce in such other manner as the State Government may direct in this behalf.¹

(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.

1. Inserted by Assam Act XI of 1953.

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

The Government shall not be responsible for any loss or damage which may occur in respect of any forest produce while at a revenue station established under a rule made under Section 40, or

while detained elsewhere for the purposes of this Regulation, or in respect of any timber collected under Section 43: and no Forest Officer shall be responsible for any such loss or damage unless he shall have caused the same negligent maliciously or fraudulently.

78. Land required under this Regulation to be deemed to be needed for a public purpose :-

Whenever it appears to the State Government that any land is required for any of the purposes of this Regulation, such land shall be deemed to be needed for a public purpose within the meaning of Section 4 of the Land Acquisition Act, 1870 (X of 1870). (Now I of 1894).

79. Recovery of penalties due under bond :-

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