

KARNATAKA FOREST ACT, 1963

5 of 1964

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STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 5 OF 1964] Karnataka Gazette, dated 26-7-1962 There are at present different forest laws in force in the five integrating parts of the Mysore State. As it is administratively difficult and inconvenient to enforce different laws in different parts, the present bill has been prepared to bring uniformity of forest laws throughout the State. The more important provisions in the Bill are the following: Provision has been made in the Bill for control over forests and lands not being the property of the Government in Chapter V on the lines of the provisions now in force in the Bombay and Madras areas. The object is to prevent private owners from recklessly exploiting the tree growth and forest produce with the sole idea of making immediate and huge profits, without regard to ensuring sustained yield for the benefit of the community in future. There is power to assume management of forests in certain circumstances. In Chapter X, provision has been made that all sandal trees which may grow in any land after the date of commencement of this Act will be the exclusive property of Government and exploitation of all sandalwood trees, the rights over which is alienated, should be done by the Forest Department only on behalf of the owner. These provisions are made to prevent smuggling of sandalwood. Special provisions relating to catechu, an important commercial produce, is made in Chapter XI.

CHAPTER 1

PRELIMINARY

1. Short title, extent and commencement :-

- (1) This Act may be called the Karnataka Forest Act, 1963.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force on such date as the State Government may, by a notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Cattle" includes cows, bulls, bullocks, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(2) "District Forest" includes all land at the disposal of Government not included within the limits of any reserved or village forest nor assigned at the survey settlement as free grazing ground or for any other public or communal purposes:

Provided that it shall be competent for the State Government to modify or set aside such assignment and constitute any such land as reserved, village or district forest, or devote the same to any other purpose it may deem fit;

(3) "Divisional Forest Officer" means the Chief Forest Officer of a Forest Division;

(4) "Forest Division" means any area declared as such by a notification by the State Government or by such authority as may be prescribed;

(5) "Forest offence" means an offence punishable under this Act or under any rule made thereunder;

(6) "Forest Officer" means any person appointed by or under the orders of the State Government to be the ¹[Principal Chief Conservator, Chief Conservator, Additional Chief Conservator]

(7) "Forest Produce" includes.

(a) the following whether found in or brought from a forest or not, that is to say. timber, charcoal, caoutchouc, catechu, ²[sandal wood] lootikai (Capparis Mooni), wood oil, sandalwood oil, resin, ³[rubber latex, ⁴[x x x x x]] natural varnish, bark, lac, mahua or ippe

(Bassia latifolia) flowers and seeds, seed of Prosopis juliflora, kuth, and tembumi or tupra (Diospyros Melanoxylon) leaves, rosha (Cymbopogon Martini) grass and oil and myrabolams (Terminalia Chebula, Terminalia Belerica and ⁵[(Phyllanthus Emblica, Ramapatre and Shigakai)]; and

(b) the following when found in, or brought from, a forest, that is to say.

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees;

(ii) being plants no trees, (including grass, creepers, reeds and moss), and all parts or produce of such plants;

(iii) wild animals and pea fowls and skins, tusks, horns, bones, silk cocoons, honey, and wax and all other parts or produce of wild animals, pea fowls and insects; and

(iv) peat, surface soil, rock, and minerals (including limestone), laterite, mineral oils, and all products of mines or quarries; and

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(iva) cocoa beans or pods, garcinia fruits, thornless bamboos, Halmaddi, Raldhupa and Kaidhupa;

(v) such other products of forests as the State Government may, by notification, declare to be forest produce;

(8) "Land at the disposal of the State Government" means land in respect of which no person has acquired.

(a) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force; or

(b) any right created by grant or lease made or continued by or on behalf of Government;

(9) "Magistrate" means a magistrate of the first or second class;

(10) "Notification" means a notification published in the official Gazette;

(11) "Owner" includes a Court of Wards in respect of property under the superintendence or charge of such Court;

(12) "Prescribed" means prescribed by rules made by the State Government under this Act;

(13) "Protected Forest" means any area at the disposal of Government which has been placed under special protection under clause (ii) of sub-section (2) of Section 33 or is declared to be a protected forest under Section 35;

(14) "Reserved Forest" means any land settled and notified as such in accordance with the provisions of Chapter II of this Act;

(15) "Reserved Trees" means teak or Sagavani (*Tectona grandis*), black wood or Bite (*Dalbergia latifolia*), Kino or Honne (*Pterocarpus marsupium*), Myrobolam or gall nut or Alale (*Terminalia chebula*), white cedar or Devagarge (*Dysoxylum malabaricum*), Jalari (*Shorea laccifera*), Benteak or Nandi (*Lagerstroemia lanceolata*), Satin wood or Huragalu (*Chloroxylon swetenia*), soapnut or Antawala (*Sapindus emarginatus*), Karachi Kamara (*Hardwickia binata*), Oil tree or Yenne mara (*Hardwickia pin-nata*), Hebhalasu (*Artocarpus hirsuta*), Ebony or Karimara or Bale (*Diospyrose benum*), Iron wood or Jambee (*Xylia xylo-carpa*), Poonspar or Sura Honne (*Calophyllum elatum*), Chit-tagong wood (*Chickrassia tabularis*), Kiralbogi (*Hopea parviflora*), Kachu or Kaggali (*Acacia catechu*), Bore (*Zizyphus jujuba*), Sagade (*Schleichera trijuga*), Yethega (Vanteak) (*Adina cordifolia*), Tamarindus (*indica*), Karimatti (*Terminalia tomentosa*), Mavu (*Mangifera indica*), Kasarka (*Strychnos nuxvomica*), Halasu (*Artocarpus integrifolia*), Bili Matti (*Terminalia arjuna*), Dhup (*Ailanthus malabarica*), and such other trees as the State Government may, by notification, declare to be reserved trees for purposes of this Act;

(16) "River" includes any stream, canal, creek, or other channel, natural or artificial;

(17) "Rule" means a rule made by the State Government under this Act;

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(18) "Sandalwood" means any portion of a sandal (*santalum album*) tree and includes bark, leaves and roots thereof, whether containing heartwood or not and whether in the form of roots, billets, pieces (sawn or otherwise), chips (whether coloured or not and whether mixed with other ingredients or not), sawdust, spentwood, flakes or pulp] ⁸[and sandalwood oil] ⁹[but does not

;

(19) "Tahsildar" means the Tahsildar of a taluk;

(20) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or sawn or fashioned or hollowed out for any purpose or not;

(21) "Tree" includes palms, bamboos, stumps, brushwood and canes;

(22) "Village Forest" means any land notified as such in accordance with the provisions of Chapter III of this Act;

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(23) "Village Forest Committee" means a Village Forest Committee constituted under Section 31-A.

1. Substituted for the words "Chief Conservator" by Act No. 10 of 1989, w.e.f. 16-3-1989

2. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Inserted by Act No. 10 of 1989, w.e.f. 16-3-1989

4. The words "cocobeans or pods" omitted by Act No. 12 of 1998, w.e.f. 11-5-1998

5. Substituted for the brackets and words "(Phyllanthus Emblica)" by Act No. 23 of 1974

6. Item (iv-a) inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

7. Clause (18) substituted by Act No. 1 of 1981, w.e.f. 3-2-1981

8. Inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

9. Inserted by Act No. 10 of 1989, w.e.f. 16-3-1989

10. Clause (23) inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

CHAPTER 2

RESERVED FORESTS

3. Powers to constitute reserved forests :-

The State Government may constitute 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, a reserved forest in the manner hereinafter provided.

4. Notification by Government :-

(1) Whenever it has been decided to constitute any land a reserved forest the State Government shall issue a notification.

(a) declaring that it has been decided to constitute such land a reserved forest;

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

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

Explanation. For the purpose of clause (b) it shall be sufficient to describe the limits of the forest by roads, rivers, bridges, or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall, be a person not holding any forest office except that of Forest Settlement Officer; but a Forest Officer may be appointed by the State Government to represent it in the inquiry under this Chapter by the Forest Settlement Officer.

5. Proclamation by Forest Settlement Officer :-

When a notification has been issued under Section 4, the Forest Settlement Officer shall publish in Kannada and in any other regional language of the area, at the headquarters of each taluk 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 Section 6;

(c) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a reserved forest; and

(d) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in Section 4, 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 (if any) and in either case to produce all documents in support thereof. The Forest Settlement Officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining

the land proposed to be constituted a reserved forest or on his recognised agent or manager. Such notice may be sent by registered post to persons residing beyond the limits of the district in which such land is situate.

6. Bar of accrual of forest rights :-

(1) 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, or power to create such right, was vested when the notification was issued; 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. No patta or right of occupancy shall without the previous sanction of the State Government be granted, in respect of such land, and every patta or right of occupancy granted without such sanction shall be null and void.

(2) Nothing in this section shall be deemed to prohibit any act done under the written permission of the Forest Settlement Officer.

(3) No Civil Court shall, between the dates of publication of the notification under Section 4 and of the final notification to be issued under Section 17 entertain any suit to establish any right in or over any land or to the forest produce of any land included in the notification under Section 4.

7. Inquiry by Forest Settlement Officer :-

The Forest Settlement Officer shall take down in writing all statements made under clause (d) of Section 5 and shall, at some convenient place, inquire into all claims duly preferred under that section and into the existence and extent of any rights mentioned in Section 4 and not claimed under Section 5 so far as the same may be ascertainable from the records of the Government and the evidence of any persons likely to be acquainted with the same. The Forest Settlement Officer shall at the same time, consider and record any objection which the Forest Officer, if any, appointed under sub-section (2) of Section 4 may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

8. Powers of Forest Settlement Officer :-

For the purpose of such inquiry, the Forest Settlement Officer may exercise the following powers, that is to say.

(i) 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

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

9. Extinction of rights :-

Rights in respect of which no claim has been preferred under Section 5, and of the existence of which no knowledge has been acquired by inquiry under Section 7, shall be extinguished unless, before the final notification under Section 17 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 5 in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

10. Treatment of claims relating to shifting cultivation :-

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

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

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

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

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject

to the previous sanction of the State Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the State Government.

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

(1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right of forest produce or a watercourse or in respect of any building standing on such land, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Forest Settlement Officer shall either.

(i) exclude such land or building from the limits of such reserved forest; or

(ii) come to an agreement with the owner for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

(3) For the purpose of so acquiring such land or building.

(a) the Forest Settlement Officer shall be deemed to be a Deputy Commissioner proceeding under the Land Acquisition Act, 1894;

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under Section 9 of that Act;

(c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Forest Settlement Officer, with the consent of the claimant, or the Court (as defined in the said Act), with the consent of the claimant and the Deputy Commissioner of the district, may award compensation in land, or partly in land and partly in money.

12. Order on claims to rights of way or pasture or to forest produce or water :-

In the case of claim to rights of way or pasture or to forest produce or water, the Forest Settlement Officer shall pass an order specifying the particulars of such claims and admitting or rejecting

the same in whole or in part.

13. Record to be made where claim is admitted :-

If the Forest Settlement Officer admits in whole or in part any claim under Section 12, he shall record the extent to which the claim is so admitted, specifying as far as may be practicable.

- (a) the name, father's name, residence, and occupation of the person claiming the right;
- (b) the designation, position and area of all fields or groups of fields (if any) and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed;
- (c) in the case of rights of way, by whom they may be enjoyed, the width of the way, and whether for vehicular traffic or for men and cattle only, and the conditions, if any, attached to the right;
- (d) in the case of pasturage, 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 the rights;
- (e) in the case of forest produce, the quantity of timber or other forest produce which the claimant is entitled to take or receive, whether the benefit of such timber or other forest produce may be leased, sold or bartered and such other particulars as may be necessary in order to define the nature, incidents and extent of the right;
- (f) in the case of water, by whom and for what purposes the water may be utilised, and any condition attached to its use.

14. Exercise of rights admitted :-

(1) After making such record, the Forest Settlement Officer, shall to the best of his ability and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose, the Forest Settlement Officer may.

- (a) provide some other reasonably convenient right of way; or
- (b) set out some other forest tract of sufficient extent and in a locality reasonably convenient, for the exercise of rights to

pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent; or

(c) so alter the limits of the proposed reserved forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purpose of the claimants with regard to pasturage or other forest produce and the land so excluded may be either outside the boundaries of the forest as finally settled or within them, in which latter case, it shall be demarcated and notified as an enclosure within which the rules relating to reserved forests shall not apply; or

(d) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons within such portions of the proposed reserved forest, and under such rules, as may be prescribed to ensure the continuance but non-abuse of such rights.

15. Compensation for rights :-

In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14, as shall ensure the continued exercise of the said rights to the extent so admitted, he shall direct payment by the State Government of compensation determined on the basis of the value of such right on the date of notification under Section 4, in accordance with the provisions of the Land Acquisition Act, 1894, insofar as such provisions are applicable.

16. Appeal from order passed under Section 11, Section 12, Section 14 or Section 15 :-

(1) 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 the order passed on such claim by the Forest Settlement Officer under Section 11, Section 12, or Section 14, appeal to the ¹ [Karnataka Appellate Tribunal] and the decision of the said Tribunal on such appeal shall be final.

(2) Any person aggrieved by an order under Section 15 may, within three months from the date of the order appeal to the District Court and the decision of the District Court on such appeal shall be final.

1. Substituted for the words "Karnataka Revenue Appellate Tribunal" by Act No. 10 of 1989, w.e.f. 16-3-1989

17. Notification declaring forest a reserved forest :-

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

(a) the period fixed under Section 5 for preferring claims has elapsed, and all claims, if any, made under that section or Section 9 have been disposed of by the Forest Settlement Officer;

(b) if any such claims have been made, the period limited by Section 16 for appealing from the orders passed on such claims has elapsed and all appeals (if any) presented within such period have been disposed of; and

(c) all proceedings prescribed by Sections 11 and 14 have been taken and all lands and buildings (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 Acquisition Act, 1894, have become vested in the Government under Section 16 of that Act, the State Government shall publish a notification specifying clearly according to the boundary marks erected or otherwise, the limits of the forest which is intended to constitute a reserved forest and declaring the same to be a reserved forest from the date fixed by such notification, subject to the exercise of rights (if any) specified in such notification.

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

18. Publication of notification :-

The Deputy Commissioner shall before the date fixed by such notification, cause a translation thereof into Kannada and any other regional language of the area, to be published in the official Gazette and at the headquarters of the taluk in which the forest is situated, and in every town and village in the neighbourhood of such forest, in the manner prescribed for the proclamation under Section 5.

19. Power to revise arrangements made under Section 14 and to redefine the limits of reserved forests in certain cases :-

(1) The State Government may, within five years from the publication of any notification under Section 17 revise any

arrangement made under Section 14 and may for this purpose rescind or modify any order made under Section 14 and direct that any one of the proceedings specified in Section 14 be taken in lieu of any other such proceedings or that the rights admitted under Section 12 be compensated under Section 15.

(2) Where the description of the limits of any reserved forest notified under Section 17 is defective or is not clear in reference to existing facts, the . State Government may, by notification, declare its intention to redefine the limits of such reserved forest so as to remove the defect or to make the description clear in reference to existing facts. Such notification shall specify as nearly as possible the corrections which it is proposed to effect to the limits of the reserved forest.

(3) On the issue of a notification under sub-section (2), the Divisional Forest Officer shall publish at the headquarters of each taluk, 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 notice.

(a) specifying the corrections proposed by the notification under sub-section (2); and

(b) stating that any objections which may be made in person or in writing to the Divisional Forest Officer, within a period of thirty days from the date of publication of the notice will be considered by him.

(4) After the expiry of the period referred to in clause (b) of sub-section (3) and after considering the objections, if any, received by him, the Divisional Forest Officer shall submit to the State Government the record of the proceedings held by him together with a report thereon.

(5) The State Government may, after considering the report of the Divisional Forest Officer, by notification, redefine the limits of the reserved forest, as proposed by the notification under sub-section (2) with such modifications as it thinks fit or without any modifications:

Provided that if the notification redefining the limits of the reserved forest affects the rights of any person in such reserved forest, the procedure laid down in Sections 5 to 17 shall mutatis mutandis be applicable.

(6) Save as provided in sub-sections (2) to (5) of this section it shall not be necessary to follow the procedure laid down in Sections 4 to 17 before issuing a notification under sub-section (5).

20. No right acquired over reserved forest, except as provided :-

No right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by or on behalf of the 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.

21. Alienation of right in reserved forest :-

(1) Notwithstanding anything contained in Section 20, no right continued under Section 14 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the State Government:

Provided that, when any such right is appendant to any land or 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 14 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under Section 16, and any such lease, sale or barter shall be void.

(3) Any person leasing, selling or bartering the benefits of any right continued under Section 14 in contravention of sub-section (2) shall, on conviction, be punishable with fine which may extend to one thousand rupees.

22. Power to stop ways and water courses in reserved forests :-

(1) The Forest Officer may, with the previous sanction of the Chief Conservator of Forests by order notified in the official Gazette, 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 water course which is equally convenient, already exists or has been provided or constructed:

Provided further that no water course feeding a tank or other reservoir shall be stopped except after consulting the Executive

Engineer having jurisdiction over such tank or reservoir.

(2) Any person aggrieved by an order under sub-section (1) may within ninety days from the date of publication of the order in the official Gazette, appeal to the 1[Karnataka Appellate Tribunal] and its decision thereon shall be final.

23. Reserved forests constituted previous to passing of this Act :-

(1) Any forest which has been notified as a State Forest under the Karnataka Forest Act, 1900, or as a reserved forest under the Indian Forest Act, 1927, the Madras Forest Act, 1882, or the Hyderabad Forest Act, 1355F, prior to the date on which this Act comes into force, shall be a reserved forest under this Act: Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been inquired into, settled and recorded in a manner which the State Government deems sufficient, the same shall be inquired into, settled and recorded in the manner provided

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as a State Forest or reserved forest shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to reserved forests shall apply to forests to which the provisions of sub-section (1) are applicable.

24. Acts prohibited in reserved forests :-

Any person who.

(a) makes any fresh clearing prohibited by Section 6; or

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

(c) in contravention of the rules made in this behalf by the State Government.

(i) kindles, keeps or carries any fire except at such seasons as the Forest Officer may notify in this behalf;

(ii) trespasses or pastures cattle, or permits cattle to trespass;

(d) causes any damage by negligence in felling any tree or cutting

or dragging any timber;

(e) fells, cuts, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages the same;

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

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

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(gg) unauthorisedly occupies land for any purpose; or;

(h) damages, alters or removes any cairn, wall, ditch, embankment, fence, hedge or railing;

(i) poisons or dynamites water; or

(j) in contravention ²[of any law or rules enters any reserved forest with fire arms or any other weapon meant for hunting] hunts, shoots, fishes or sets traps or snares, or who abets committing of any of the above prohibited acts shall, on conviction, be punishable with imprisonment for a term which may extend to ³ [one year, or with fine which may extend to two thousand rupees], or with both, and in addition be liable to pay such compensation for the damage done to the forests as the convicting Court may direct to be paid.

1. Clause (gg) inserted by Act No. 10 of 1989, w.e.f. 16-3-1989

2. Substituted for the words "of any rules" by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Substituted for the words "six months or with fine which may extend to five hundred rupees" by Act No. 1 of 1981, w.e.f. 3-2-1981

25. Acts excepted from Section 24. Nothing in Section 24 shall be deemed to prohibit :-

(a) the exercise, in accordance with the rules, if any, made under Section 14, of any right continued under that section; or

(b) the exercise of any right created by grant or contract in the manner described in Section 20; or

(c) any act done with the permission in writing of a Forest Officer duly empowered to grant such permission, or under any rule made by the State Government.

26. Privileges may be granted in reserved forests :-

The State Government may, in any reserved forest, grant such privileges as may be consistent with the due maintenance of the forest; and may, without assigning reason therefor, cancel such grant:

Provided always that all privileges so granted shall previously be specified and recorded by the Deputy Commissioner in the manner provided in Section 13:

Provided further that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export, barter or merchandise.

27. Penalties for offences committed by persons having rights in reserved forest :-

Whenever fire is caused wilfully or by gross negligence in a reserved forest by a person having rights in such forest or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of Section 21, the State Government may, without prejudice to any punishment under this Act, direct that in such forest, or any specified portion thereof, the exercise of all or any of the rights of pasture or to forest produce of any such person shall be extinguished, or for such period as it thinks fit, be suspended.

28. Power to declare forests no longer reserved forests :-

(1) The State Government may, by notification, direct that, from a date to be specified in such notification, any forest or any portion thereof constituted as reserved forest under this Act, shall cease to be a reserved forest: ¹

[Provided that no such notification shall be issued unless a resolution to that effect has been passed by both Houses of the State Legislature:] ²

[Provided further that no such resolution shall be necessary where the proposal relates to regularisation of unauthorised occupation of any reserved forest or portion thereof, if such occupation was prior to the date of commencement of the Karnataka Forest (Amendment) Act, 1978.]

(2) From the date so specified such forest or portion shall cease to be a reserved forest but the rights, if any, which have been

extinguished therein shall not revive in consequence of such cessation.

1. First Proviso inserted by Act No. 23 of 1974

2. Second Proviso inserted by Act No. 15 of 1978 and shall be deemed to have come into force w.e.f. 27-4-1978

CHAPTER 3

VILLAGE FORESTS

29. Constitution of village forests :-

(1) The State Government may, by notification, 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 all or any of the provisions of Chapter II of this Act to be applicable to village forests.

31. Inquiry into and settlement of rights :-

All claims to any rights other than rights of the village community or group of village communities for the benefit of which such village forest is constituted, shall be inquired into, recorded and provided for in the manner laid down in Chapter II of this Act.

31A. Constitution of Village Forest Committee for Joint Forest Planning and Management of Forest :-

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(1) For the purpose of Joint Forest Planning and Management of Forest, the State Government may, by notification constitute a Village Forest Committee in respect of a village or group of villages.

(2) The Government may by rules provide for.

- (i) the powers, duties and responsibilities of Village Forest Planning Committee;
- (ii) the conduct of elections to the Committee;
- (iii) qualification and disqualifications of Members of Village Forest Committee;
- (iv) the powers and duties of Forest Officer;
- (v) preparation and execution of management plans;
- (vi) protection, development and management of forest by the Committee;
- (vii) sharing mechanism, audit and accounts;
- (viii) appointment of administrators or administrative Committees;
- (ix) settlement of disputes;
- (x) monitoring and evaluation; and
- (xi) any other matter incidental thereto.]

1. Section 31-A inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

CHAPTER 4

DISTRICT FORESTS

32. Power to grant privileges in district forests :-

The State Government may, in any district forest, grant such privileges as it thinks fit in regard to the removal by cultivating raiyats or other classes of persons of forest produce required for prescribed purposes and may without assigning reason therefor, cancel such grant:

Provided always that the exercise of any privilege under this section shall be for the use of the person entitled thereto, and not for the purpose of export or merchandise.

33. Power to make rules for district forests :-

(1) Subject to all rights now legally vested in individuals and communities, the State Government may, for any district or portion of a district, make rules to regulate the use of the forest produce or of the pasturage of and land at the disposal of Government and not included in a reserved or village forest.

(2) Without prejudice to the generality of the foregoing power such

rules may.

(i) declare that certain trees not classed as reserved trees shall be granted to cultivating raiyats on favourable rates of seigniorage;

(ii) provide for placing any area at the disposal of Government under special protection in view of its subsequent settlement and constitution as a reserved forest or for any other purpose, and prescribe the conditions and penalties attendant on such special protection;

(iii) regulate or prohibit the grant of land and its clearing and breaking up for cultivation or other purposes;

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(iiia) prohibit unauthorised occupation of land for any purpose;

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

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

(vi) regulate or prohibit the quarrying of stone or gravel, the burning of lime or charcoal, the smelting of ore, or the boiling of catechu;

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

(viii) regulate or prohibit hunting, shooting, beating or driving for game, fishing, poisoning or driving for game, fishing, poisoning or dynamiting water, and setting traps or snares;

(ix) regulate the disposal of timber and other forest produce whether by sale or by free grant;

(x) prescribe the fees, royalties or other payments for such timber and other forest produce and the manner in which they shall be levied.

(3) In making a rule under this section, the State Government may provide that a person guilty of contravention thereof shall, on conviction, be punishable with imprisonment which may extend to

one month, or with fine which may extend to two hundred rupees, or with both.

(4) The land placed under special protection under a rule made in pursuance of clause (ii) of sub-section (2), shall be called "protected forest" and shall be duly notified as such in the official Gazette.

1. Clause (iii-a) inserted by Act No. 10 of 1989, w.e.f. 16-3-1989

34. Suspension of rights in cases of fires caused wilfully or by gross negligence :-

Whenever fire is caused wilfully or by gross negligence in any land notified as protected forest under sub-section (4) of Section 33, by any person having rights of pasture or to forest produce or by any person in his employment, the State Government may, without prejudice to any punishment under this Act direct that in such land, or any specified portion thereof, the exercise of all or any rights of pasture or to forest produce of any such person shall, for such period as it thinks fit, be suspended.

35. Minor forests constituted previous to the commencement of this Act :-

(1) Any forest in the State which has been notified as "minor forest" under the Karnataka Forest Act, 1900, or as "protected forest" under the Indian Forest Act, 1927, or the Hyderabad Forest, Act, 1355F, prior to the date on which this Act comes into force, shall be a protected forest under this Act and the provisions applicable to a protected forest shall be applicable to such forests.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forests shall be deemed to have been decided, issued and prepared under this Act.

CHAPTER 5

CONTROL OVERFORESTS AND LANDS NOT BEING THE PROPERTY OF THE GOVERNMENT

36. For the purpose of this Chapter :-

(i) "Forest" includes any land containing trees and shrubs, pasture lands and any land whatsoever which the State Government may, by notification under this section, declare to be a forest;

(ii) "Owner" in relation to a forest includes a mortgagee, lessee or other person having rights to possession and enjoyment of the

forest.

37. Preservation of private forests :-

(1) No owner of any forest and no person claiming under him, whether by virtue of a contract licence or any other transaction entered into before or after this Act comes into force, or any other person shall, without the previous permission of the Divisional Forest Officer, cut or girdle trees or do any act likely to denude the forest, or diminish its utility as a forest:

Provided that nothing contained in this sub-section shall apply to the removal of fallen trees or any act done for the usual or customary domestic purposes or for making agricultural implements for bona fide use of the owner.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, and for reasons to be specified in such notification, exempt any class of forests, or class of trees or any forest produce therein from all or any of the provisions of this section.

38. Power to make rules. For the purpose of Section 37, the State Government may make rules prescribing :-

(a) the classes or kinds of trees which may be permitted to be cut and girdled and the girth of such trees;

(b) the terms and conditions subject to which permission may be granted; and

(c) the procedure to be followed by the Divisional Forest Officer before granting permission.

39. Protection of forests for special purposes :-

(1) The State Government may, by notification.

(a) regulate or prohibit in any forest.

(i) the breaking up or clearing of any land;

(ii) the pasturing of cattle;

(iii) the firing or clearing of vegetation;

(iv) the girdling, tapping or burning of any tree or the stripping of bark or leaves from any tree;

(v) the lopping or pollarding of trees;

(vi) the cutting, sawing, conversion or removal of trees and timber;
or

(vii) the quarrying of stones or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process;

(b) regulate in any forest the regeneration of forests and their protection from fire;

(c) regulate the exercise of customary and prescriptive rights in such forest or forests.

(2) When such regulation or prohibition appears necessary, the State Government may, by notification, provide,

(a) for the conservation of trees and forests;

(b) for the preservation of and improvement of soil or the reclamation of saline or water logged land, the prevention of landslips, landslides shall be instituted, issued, enforced or executed in respect thereof; or the formation of ravines and torrents or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

(c) for the improvement of grazing;

(d) for the maintenance of water supply in springs, rivers and tanks;

(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber or fuel;

(f) for the maintenance of reservoirs, or irrigation works and hydro electric works;

(g) for protection against storms, wind, rolling stones, floods and drought;

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

(i) for the preservation of public health.

(3) The State Government may, for any purpose referred to in subsections (1) and (2), construct at its own expense, in any forest, such work as it thinks fit.

40. Appeals :-

Any person aggrieved by an order under sub-section (1) of Section 37, in regard to the sanction or the permission referred to in that sub-section may, within thirty days from the date of the receipt of the order, prefer an appeal in writing to the Deputy Commissioner and the Deputy Commissioner after following the prescribed procedure may pass such orders thereon as he deems fit.

41. Penalties :-

(1) Whoever contravenes the provisions of sub-section (1) of Section 37 or of the rules framed under Section 38 or any of the terms of a notification under Section 39, shall, without prejudice to any other action under this Act, on conviction, be punishable with imprisonment which may extend to six months or with fine or with both.

¹ (2) xxxxx.

1. Sub-section (2) omitted by Act No. 12 of 1998, w.e.f. 11-5-1998

42. Bar of suits :-

No order of the State Government or a Forest Officer not below the rank of a Divisional Forest Officer under this Chapter and no notification issued by the State Government under Section 39, shall be liable to be questioned in any Court of law.

43. Power to assume management of forests :-

(1) In case of any breach or neglect of the provisions of Section 37 or of rules made under Section 38 or wilful disobedience to any regulation or prohibition notified under Section 39 or if the purposes of any work to be constructed under that section so require and when it appears to the State Government that it is necessary for the purpose of preservation and protection of the forest in public interest to assume management of such forest, the State Government may, after notice in writing to the owner of such forest and after considering his

(2) The notice referred to in sub-section (1) and the notification, if any, issued assuming management of the forest shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the service of the summons.

(3) The management of the forest 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, and the State Government shall appoint a Forest Officer to be in charge of the forest.

(4)

(a) The State Government shall, during the period of management of a forest pay, at prescribed intervals, to the owner of the forest, compensation, which shall be the aggregate of.

(i) an allowance calculated on the total area of the forest as determined by the Conservator of Forests at the rate of ten naye paise per acre per annum; and

(ii) the net profits, if any, accruing from the working and management of the forest.

(b) For the purpose of calculating the net profits, the total expenditure incurred on the working and management of the forest shall be adjusted against the total income from the working and management up to the date of account and the amount of any deficit shall be carried forward with interest at the prescribed rate from year to year till such amount is made up and surplus is effected.

(5)

(a) During the period of management the State Government shall receive all revenues accruing from the working and management of the forest and shall pay the whole expenditure incurred in the working and management of such forest, and the owner of such forest or any other person shall not be entitled to make any objection to any expenditure thru the State Government may consider it necessary on such working and management.

(b) The State Government shall maintain the revenue and expenditure account of the forest and shall at the request of the owner furnish to him an extract of the early of the early account so maintained.

44. Consequences of assumption of management :-

On the assumption of management of any forest by the State Government under Section 43, the following consequences shall ensue.-

(a) all legal proceedings pending, and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the forest or any part thereof shall be suspended, and so long as the management by the State Government continues, no fresh proceedings, processes, executions or attach;

(b) so long as the management by the State Government continues, the owner of the forest shall be incompetent.

(i) to enter into any contract with respect to the forest;

(ii) to mortgage, charge, lease or alienate the forest or any part thereof or any product thereof; or

(iii) to grant valid receipts for the rents or profits arising or accruing therefrom;

(c) so long as the management by the State Government continues, subject to the orders of the State Government, no person other than the Forest Officer placed in charge of the forest shall be competent to do the acts referred to in sub-clauses (i), (ii) and (iii) of clause (b);

(d) subject to the orders of the State Government, the Forest Officer placed in charge of the forest, shall during the period of management of the forest, have all the powers which the owner thereof might as such have exercised for the purposes of management and shall receive and recover all rents and profits due in respect of the property under management; and for the said purposes in addition to any powers of the owner, the Forest Officer, shall be competent to exercise any power which he can exercise in respect of a reserved forest.

45. Period of management :-

(1) The period of management of any forest shall be for ten years from the date of publication of the notification under sub-section (1) of Section 43, but such period may thereafter be extended by notification for successive periods of not more than ten years each:

Provided that the period of such management shall not in the aggregate exceed thirty years from the date of publication of the notification under sub-section (1) of Section 43 assuming management of the forest.

(2) The Forest Officer under whose management the forest is

placed shall, not later than six months before the expiry of any period referred to in sub-section (1), make a report to the State Government regarding such control and shall state therein whether in his opinion, any period of management should be extended.

(3) After considering any such report and subject to sub-section (1), the State Government shall decide whether to extend any period of management or whether to terminate it in the manner provided in Section 46,

(4) No period of management shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension and the State Government is satisfied that such extension is necessary for the preservation and protection of the forest.

46. Termination of management :-

(1) If the State Government decides to terminate any period of management of any forest, it shall, by notification, published in the official Gazette, and in such other manner as may be prescribed declare such termination; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(2) All acts done or purporting to be done by the Forest Officer in respect of any forest placed under his management, during the period of such management, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section.

(3) After the period of termination of management of any forest, notwithstanding anything contained in the 1[Limitation Act, 1963], but subject to any law which may then be in force, all proceedings, processes, executions or attachments suspended under clause (a) of Section 44 shall stand revived and may be proceeded with from the stage at which they were suspended, and all proceedings, processes, executions or attachments stayed under the said clause may be instituted, issued, enforced or executed from the stage at which they were stayed.

47. Government management of forests at request of owners :-

(1) Any owner of any land or, if there be more than one owner thereof the owners of all the shares therein may, with a view to the formation or preservation of forest thereon, apply in writing to the State Government to take over the management of such land and the State Government may, on such application, where it is of opinion that it is expedient in public interests to form or preserve the forest, by notification, assume the management of such land.

(2) When the management of any land is assumed under sub-section (1), save as otherwise agreed to between the State Government and the applicants, the net profits, if any, arising from the management of the land shall be paid to the owners.

(3) The period of management shall be such as may be agreed to between the State Government and the applicants,

(4) In all other respects the provisions of this Chapter in respect of a forest the management of which has been assumed by the State Government under sub-section (1) of Section 43 shall be applicable.

48. Acquisition of forests in certain cases :-

In any case under this Chapter, in which the State Government considers that in lieu of assuming the management of a forest, 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.

49. Power to remove difficulties :-

If any difficulty arises in giving effect to any of the provisions of this Chapter, the State Government may, as occasion may arise, by notification, do anything which appears to it to be necessary for the purpose of removing (the difficulty).

CHAPTER 6

CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT

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

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

(2) In particular and without prejudice to the generality of the foregoing power such rules may.

(a) prescribe the routes by which alone timber or other forest produce may be transported or moved into, from or within the State;

(b) prohibit the transport, into, within or outside the State, of such timber or prohibit collection or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass, and in the case of timber without affixing a Government transit mark;

(c) provide for the issue, production and return of such passes and in the case of timber for affixing Government transit marks and for the payment of fees for issue of the passes and for affixing such marks;

(d) 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;

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

(f) provide for the establishment of check posts or the erection of barriers at such places as the State Government may direct, with a view to prevent or check commission of forest offences in respect of forest produce and for the stoppage, reporting and examination of goods carried by any vehicle or vessel at such check posts or barriers;

(g) provide for the establishment and regulation of depots to which such timber or other forest 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 condition under which such timber or other forest produce shall be brought to, stored at and removed from such depots; and for regulating the appointment and duties of persons employed thereat;

(h) authorise the transport of such timber or other forest produce across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber or other forest produce;

(i) 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;

(j) 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 persons whose acts or negligence necessitated the same;

(k) prohibit absolutely or subject to conditions, ¹[within the whole of the State of Karnataka or specified local limits], the establishment of saw pits, saw mills, or any other sawing contrivance, and the converting, cutting, processing, distilling, storing, burning, concealing, marking or supermarking of timber or other forest produce, 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;

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(ka) regulate (including requiring the owner or proprietor to obtain a licence ² [or to get it renewed]) the existing saw pits, [starting new saw pits] saw mills or any other sawing contrivance;]

[(kb) provide for levy of fee for grant or renewal of licence for saw mills, saw pits and other sawing contrivances;]

(1) regulate the use of property marks for timber or other forest produce, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person and provide for the levy of fees for such registration.

(3) In making a rule under this section, the State Government may provide that person guilty of contravention thereof shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both; and where the contravention is committed after

sunset or before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for a like offence with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

1. The words "shall place on such property or the receptacle or vehicle (if any) in which it is contained a mark indicating that the same has been so seized, and" omitted by Act No. 12 of 1998, w.e.f. 11-5-1998.

2. Substituted for the words "make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made" by Act No. 1 of 1981, w.e.f. 3-2-1981

51. The State Government and Forest Officer not liable for damage to forest produce at depot :-

The State 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 rules made under Section 50, or while detained elsewhere, for the purpose of this Act, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage wilfully, negligently, maliciously or fraudulently.

52. All persons bound to aid in case of accident at depot :-

In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot whether by the State Government or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER 7

COLLECTION OF DRIFT AND STRANDED TIMBER

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

(1) All timber found adrift, beached stranded or sunk; all wood or timber bearing marks which have not been registered in accordance with the rules made under Section 50 or which have been supermarked or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the State Government directs, all unmarked wood and timber; shall be deemed to be the property of the State Government unless and

until any person establishes his right and title thereto, as provided in this Chapter.

(2) The timber referred to in sub-section (1) may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under Section 59 and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

(3) The State Government may, by notification, exempt any class of timber from the provisions of this section.

54. Notice to claimants of drift timber :-

Public notice shall from time to time be given by the Forest Officer, of timber collected under Section 53. 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 of not less than thirty days from the date of such notice a written statement of such claim.

55. Procedure on claim preferred to such timber :-

(1) When any such statement is presented under Section 54, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or accept the claim and 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 or wood 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 ninety days from the date of intimation of the order 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 State Government, or against any Forest Officer, on account of such rejection, or the detention or removal of any timber or wood, 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 brought as provided in this section, has been decided.

56. Disposal of unclaimed timber :-

If no statement is presented under Section 54, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under Section 54 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 55, 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 55, in such other person free from all encumbrances not created by him.

57. State Government and its officers not liable for damage to such timber :-

The State Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under Section 53 and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage wilfully, negligently, maliciously or fraudulently.

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

No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under Section 59.

59. Power to make rules :-

(1) The State Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made to regulate the following matters, namely.

(a) the salving, collection and disposal of all timber mentioned in Section 53;

(b) the use and registration of boats or any other contrivance used in salving and collecting timber;

(c) the amounts to be paid for salving, collecting, moving, storing, or disposing of such timber; and

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

(3) In making a rule under this section, the State Government may provide that a person guilty of a contravention thereof shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.

CHAPTER 8

CATTLE TRESPASS

60. Application of Cattle Trespass Act, 1871 :-

Cattle trespassing in a reserved forest or village forest, or in a portion of a district forest which has been lawfully closed to grazing under the provisions of Section 33, 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.

61. Power to alter fines fixed under that Act :-

The State Government may, by notification, 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 60 of this Act such fines as it deems fit, but not exceeding the following, that is to say.

CHAPTER 9

PENALTIES AND PROCEDURE

62. 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, vehicles or 1[cattle or any other property used] in committing any such offence, may be seized by any Forest Officer or Police Officer.

(2) 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 forest produce in respect of which there is reason to believe a forest offence has been or is being committed, require the driver or other person 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 the possession of such driver or other person in charge of the vehicle.

(3) Every officer seizing any property under this section ¹[x x x x

x] shall, as soon as may be, ²[make a report of such seizure.

(a) where the offence on account of which the seizure has been made is in respect of timber, ivory, ³ [Gulmavu (machilus macrantha) bark, Dalchini bark, Halmaddi (exudation of Ailanthus malabaricum), canes] firewood or charcoal which is the property of the State Government or in respect of sandalwood, to the concerned authorised Officer under Section 71-A; and

(b) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure has been made:]

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of 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.

1. The words "shall place on such property or the receptacle or vehicle (if any) in which it is contained a mark indicating that the same has been so seized, and" omitted by Act No. 12 of 1998, w.e.f. 11-5-1998.

2. Substituted for the words "make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made" by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Inserted by Act No. 12 of 1998, w.e.f. 11-5-1998.

62A. Powers of Forest Officer in the matter of Investigation :-

(1) Any Forest Officer not below the rank of a Range Forest Officer and within such specified area as the State Government may, by notification specify, may as regards offences under this Act exercise powers conferred on an officer in-charge of a police station by the provision of the Code of Criminal Procedure, 1973:

Provided that any such power shall be subject to such restrictions and modifications, if any as the State Government may specify.

(2) For the purpose of Section 156 of the Code of Criminal Procedure, 1973, the area in regard to which the Forest Officer is empowered under sub-section (1), shall be deemed to be a police station and such officer shall be deemed to be the officer in-charge of such station.

62B. Report by Investigation Officer :-

If on any investigation by a Forest Officer empowered under sub-section (1) of Section 62-A, it appears that there is sufficient evidence to justify the prosecution of the accused person, the investigating officer shall submit a report (which shall, for the purposes of Section 190 of the Code of Criminal Procedure, be deemed to be a police report) to a Magistrate having jurisdiction to enquire into or try the case and empowered to take cognizance of offences on police reports.

62C. Certificate of Forest Officer to be an evidence :-

Any document purporting to be a certificate under the hand of a Forest Officer not below the rank of a Range Forest Officer who has undergone training in the examination of forest produce and who is so authorised by the State Government in this behalf in respect of forest produce, submitted to him for examination and report, may be used as evidence of the facts stated in such certificate in any 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.

63. Power to release property seized under Section 62 :-

Any Forest Officer of a rank not inferior to that of a Forest Ranger who, or whose subordinate, has seized any tools, boats, vehicles or cattle ¹[under Section 62, may, subject to Section 71-G release] the same on and may deal with the proceeds as he would have dealt with such property if it had not been sold ² [and shall report about every such sale to his official superior.]

1. Substituted for the words "under Section 62, may release" by Act No. 1 of 1981, w.e.f. 3-2-1981

2. Added by Act No. 1 of 1981, w.e.f. 3-2-1981

69. Appeal from orders under Sections 65, 66 and 67 :-

The officer who made the seizure under Section 62 or any of his official superiors or any person claiming to be interested in the property so seized may, within thirty days from the date of any order passed under Sections 65, 66 or 67, 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.

70. Vesting of forfeited property in State Government :-

When an order for the forfeiture of any property has been passed under Section 65 or Section 67, as the case may be, and the period

specified by Section 69 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 State Government free from all encumbrances.

71. Saving of power to release property seized :-

Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the State Government from directing at any time the immediate release of any property seized under Section 62, which is not the property of Government, and the withdrawal of any charge made in respect of such property.

71A. Confiscation by Forest Officers in certain cases :-

1

(1) Notwithstanding anything contained in the foregoing provisions of this Chapter, ²[or in any other law] where a forest offence is believed to have been committed in respect of timber, ³[ivory, ⁴[Gulmavu (Machilus marantha) bark, Dalchini bark, Halmaddi (exudation of Ailanthus malabaricum), canes] firewood and charcoal which is the property of the State Government or in respect of sandalwood], the officer seizing the property under sub-section (1) of Section 62 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 authorised by the State Government in this behalf by Notification in the Official Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) Where an authorised officer seizes under sub-section (1) of Section 62 any timber, ⁵[ivory, firewood ⁶[Gulmavu (machilus marantha) bark, Dalchini bark, Halmaddi (exudation of Ailanthus Malabaricum), canes] and

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(3)

(a) Where the authorised 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 auction.

(b) Where any confiscated property is sold, as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall where the order of confiscation made under Section 71-A is set aside or annulled by an order under Sections 71-C or 71-D, be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order].

1. Sections 71-A to 71-F inserted by Act No. 50 of 1976, w.e.f. 22-6-1976

2. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Substituted for the words "sandalwood, ivory, firewood and charcoal which is the property of the State Government" by Act No. 1 of 1981, w.e.f. 3-2-1981

4. Inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

5. Substituted for the words "sandalwood, charcoal, firewood and ivory which is the property of the State Government" by Act No. 1 of 1981, w.e.f. 3-2-1981

6. Inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

7. Sub-section (3) inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

71B. Issue of show-cause notice before confiscation under Section 71-A :-

(1) No order confiscating any timber, sandalwood, charcoal, firewood, ¹[Gulmavu (Machilus marantha) bark, Dalchini bark, Halmaddi (exudation of Ailanthus malabaricum), canes] ivory, tools, ropes, chains, boats, vehicles or cattle shall be made under Section 71-A except after notice in writing to the person from whom it is seized and considering his objections, if any: ²

[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 authorised officer it is practicable to do so, and considering his objections, if any.]

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, charcoal, firewood ³ [Gulmavu (Machilus marantha) bark, Dalchini bark, Halmaddi (exudation of Ailanthus malabaricum), canes] or ivory 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.

1. Inserted by Act No. 12 of 1998, w.e.f, 11-5-1998
2. Proviso inserted by Act No. 1 of 1981, w.e.f, 3-2-1981
3. Inserted by Act No. 12 of 1998, w.e.f, 11-5-1998

71C. Revision :-

Any Forest Officer not below the rank of Conservator of Forests ¹ [specially empowered by the State Government] in this behalf by notification in the official Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under Section 71-A, suo motu call for and examine the records of that order and may make such inquiry or cause such inquiry to be made may pass such orders as he deems fit:

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

1. Substituted for the words "authorised by the State Government" by Act No. 1 of 1981, w.e.f. 3-2-1981

71D. Appeal :-

(1) Any person aggrieved by any order passed under Section 71-A or Section 71-C may, within thirty days from the date of communication to him of such order, appeal to the ¹[Sessions Judge] having jurisdiction over the area in which the property to which the order relates has been seized and the "²[Sessions Judge] shall, after giving an opportunity to the appellant ³[and the authorised officer or the officer specially empowered under Section 71-C, as the case may be] to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against,

⁴ [

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any Court of law.

1. Substituted for the words "District Judge" by Act No. 1 of 1981, w.e.f. 3-2-1981
2. Substituted for the words "District Judge" by Act No. 1 of 1981, w.e.f. 3-2-1981
3. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981
4. Sub-section (2) substituted by Act No. 1 of 1981, w.e.f. 3-2-1981

71E. Award of Confiscation not to interfere with other punishments :-

The award of any confiscation ¹ [under Section 71-A or Section 71-C or Section 71-D] shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

1. Substituted for the words, figures and letters "under Section 71-C" by Act No. 1 of 1981, w.e.f. 3-2-1981

71F. Property confiscated when to vest in Government :-

When an order for confiscation of any property has been passed under Section 71-A or Section 71-C ¹[or Section 71-D] and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, ² [or if it has been sold under sub-section (3) of Section 71-A, the sale proceeds thereof], as the case may be, shall vest in the State Government free from all encumbrances.

1. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

2. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

71G. Bar of jurisdiction in certain cases :-

¹Whenever any timber, ivory, ² [Gulmavu (Machilus marantha) bark/ Dalchini bark, Halmaddi (exudation of Ailanthus malabaricum), canes] firewood or charcoal belonging to the State Government or any sandalwood, together with any tool, rope, chain, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) of Section 62, the authorised officer under Section 71-A or the officer specially empowered under Section 71-C or the Sessions Judge hearing an appeal under Section 71-D shall have and, 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, any other officer, Court, Tribunal or authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property.]

1. Section 71-G inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

2. Inserted by Act No. 12 of 1998, w.e.f. 11-5-1998

72. 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 forfeiture under this Act shall, on conviction, be punishable with imprisonment 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 directs, be given as compensation to the person aggrieved by such seizure.

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

Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code.

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

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

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

(d) alters, moves, destroys or defaces any boundary mark of any forest or waste land to which the provisions of this Act are applicable;

shall, on conviction, be punishable with imprisonment which may extend to two years, or with fine, or with both.

74. 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) Any person arrested under this section shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest magistrate having jurisdiction in the case within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a

magistrate.

75. Power to release on a bond a person arrested :-

Any Forest Officer of a rank not inferior to that of a Forest Ranger, who or whose subordinate has arrested any person under the provisions of Section 74 may release such person on his executing a bond with proper surety 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.

76. Power to prevent commission of offence :-

Every Forest Officer and Police Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest offence.

76A. Prevention of Commission of Offences etc :-

¹ Any Forest Officer may if necessary use as much force and do as much injury to persons and property to prevent the Commission of any offence under this Act or under Chapter VI of the Wildlife (Protection) Act, 1972, or to apprehend any person who has committed or is engaged in commission of any offence under the said Acts, or for seizure of any weapons, vehicles, cart, boat, any other conveyance, tools, or any other things used to commit offence under the said Acts or to carry 'transport' conceal or keep the forest produce in respect of which the offence is committed.]

1. Section 76-A inserted by Act No. 20 of 2000, w.e.f. 4-10-2000

77. Power to try offences summarily :-

The District Magistrate or any magistrate of the first class specially empowered in this behalf by the State Government may try summarily under the ¹ [Code of Criminal Procedure, 1973 (Central Act II of 1974)], any forest offence punishable with imprisonment, which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

1. Substituted for the words, figures and brackets " Code of Criminal Procedure, 1898 (Central Act V of 1898)" by Act No. 10 of 1989, w.e.f. 16-3-1989

78. Operation of other laws not barred :-

Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission, which constitutes a forest offence, or from being liable under such other law to any higher punishment or penalty than that

provided by this Act or the rules made thereunder:

Provided that no person shall be punished twice for the same offence.

79. Power to compound offences :-

(1) The State Government may, ¹[subject to such conditions as may be specified, by notification], 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 under Section 72 or Section 73, ²[or Section 86 or Section 87] a sum of money not exceeding ³[fifty thousand rupees], by way of composition for the offence which such person is suspected to have committed;

(b) when any property has been seized as liable to confiscation, ⁴[subject to Section 71-G] to release, the same on payment of the value thereof ⁵ [as may be prescribed.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section, unless he is a Forest Officer of rank not inferior to that of a Range Forest Officer.

1. Substituted for the words "by notification" by Act No. 1 of 1981, w.e.f. 3-2-1981

2. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Substituted for the words "five thousand rupees" by Act No. 12 of 1998, w.e.f. 11-5-1998

4. Inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

5. Substituted for the words "as estimated by such officer" by Act No. 12 of 1998, w.e.f. 11-5-1998

80. Presumption that forest produce belongs to Government :-

When in any proceedings taken under 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 State Government, such produce shall be presumed to be the property of the State Government until the

contrary is proved, and in case of any prosecution the burden of proving the contrary shall lie on the accused.

81. Compensation for damage caused by commission of offence :-

(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 Act or of any rule made thereunder, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the State Government such compensation, for each tree with respect to which the offence was committed, as it deems just.

(2) If the person convicted of the offence committed it as 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.

82. Forfeiture of leases :-

When the holder of any lease, licence or contract whatsoever granted or continued by or on behalf of the State Government for any of the purposes of this Act, 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 wilful neglect or default on his part, the State Government or a Forest Officer duly empowered by the State Government in this behalf, may, by order in writing, declare the lease, licence, or contract to be forfeited in whole or in part with effect on and from a date to be specified in the order.

82A. Criminal liability of licensee for acts of servants :-

¹ Where any offence under this Act or rules made thereunder, is committed by any person in the employment and acting on behalf of the holder of a licence or permit granted under this Act, such

holder shall also be punishable with a fine which may extend to rupees fifteen thousand as if he had committed the said offence unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punishable with imprisonment except in default of payment of fine.

1. Sections 82-A and 82-B inserted by Act No.12 of 1998, w.e.f. 11-5-1998

82B. Offence by companies, etc :-

(1) If the person committing an offence under this Act is a company,, the company as well as every person incharge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence, is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section.

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.]

CHAPTER 10

PROVISIONS RELATING TO SANDALWOOD

83. Forest rights of inamdars and other persons entitled to sandal trees :-

(1) All inamdars and other persons who, by the terms of their san-

nads, grants, or by judicial decision or otherwise are, prior to the commencement of this Act, legally entitled to the sandal trees in their lands shall not fell or sell any such sandal tree.

(2) The Chief Conservator of Forests may cause any sandal tree growing in such lands to be cut and sold on behalf of the inamdars or other persons in accordance with such rules as may be prescribed.

84. Sandal trees exclusive property of Government :-

¹[

(1)] Notwithstanding anything contained in any law, contract, grant, or other instrument or judicial decision.

(i) all sandal trees which may grow in any land after the date of the commencement of this Act; and

(ii) all sandal trees existing on any land prior to the commencement of this Act, ²[xxx];

3

(2) Where in any proceedings taken under this Act, a question arises as to whether any sandalwood is the property of the State Government, it shall, until the contrary is proved, be presumed to be the part of a sandal tree which was the exclusive property of the State Government under subsection (1), and in the case of any prosecution, the burden of proving the contrary shall lie on the accused.

1. Section 84 renumbered as sub-section (1) thereof by Act No. 1 of 1981, w.e.f. 3-2-1981

2. The words "the ownership in which vested in the State Government" omitted by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Sub-section (2) inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

85. Responsibility of occupants and holders of land for the preservation of sandal trees :-

(1) Every occupant or holder of land shall be responsible for the due preservation of all sandal trees growing thereon, which are the exclusive property of the State Government, and shall in the event of any injury to any such tree from whatever cause or its theft, at once report such fact to the nearest Forest Officer or Police Officer.

(2) Any occupant or holder who fails to report any such case of injury or theft as aforesaid or to prove to the satisfaction of such

officer, not lower in rank than the Divisional Forest Officer that such injury or theft was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation or with his connivance, shall, notwithstanding any other penalty to which he may be liable, be liable to pay to State Government such compensation on account of such injury or theft as the Forest Officer may deem reasonable:

Provided that the Forest Officer aforesaid, may, in cases in which he is satisfied that the person responsible for the act, neglect, default, instigation or connivance resulting in the injury or theft was any tenant of the occupant or holder or any other person holding under or through an occupant or holder, direct that such tenant or other person shall primarily be liable for the compensation and be proceeded against in the first instance for recovery thereof.

Explanation. The word "injury" used in this section includes the lopping of branches of trees resulting in material injury to them.

86. Penalty for offence in regard to sandalwood :-

In any case of a forest offence having reference to the cutting, uprooting, or removal or damage to, a sandal tree or any part of a sandal tree belonging to Government, the offender shall, on conviction, be punishable with imprisonment for a term which may extend to ¹[seven years] ²[and with fine] which may extend to ³[twenty-five thousand rupees]. ⁴

[Provided that. -

(i) in the case of first offence the term of imprisonment shall not be less than three years and the amount of fine shall not be less than ⁵ [five thousand rupees]; and

(ii) in the case of a second or subsequent offence the term of imprisonment shall not be less than five years and the amount of fine shall not be less than twenty thousand rupees.]

1. Substituted for the words "two years" by Act No. 1 of 1981, w.e.f. 3-2-1981

2. Substituted for the words "or with fine" by Act No. 23 of 1974

3. Substituted for the words "five thousand rupees" by Act No.1 of 1981, w.e.f. 3-2-1981

4. Proviso inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

5. Substituted for the words "ten thousand rupees" by Act No. 12 of 1998, w.e.f. 11-5-1998

87. Regulation of sale and manufacture of sandalwood and sandal- wood oil :-

(1) No person shall possess, store or sell or attempt to store or sell sandalwood or disintegrate or attempt to disintegrate sandalwood in mills or by other contrivance, manufacture or distil or attempt to manufacture or distil oil from sandalwood, or re-distil, ¹[refine, possess, store or sell or attempt to refine, store or sell] oil extracted from sandalwood, except under a licence obtained from such Forest Officer on payment of such fees, and subject to such restrictions and conditions as may be prescribed: Provided that no such licence shall be refused in respect of distillation of oil from sandalwood and possession and storage of sandalwood for purposes of distillation, and the sale of sandalwood oil so distilled, by persons bona fide carrying on the business of distillation immediately prior to the commencement of this Act, in any area of the State: Provided further that no such licence shall be necessary for possession of sandalwood up to ²[three kilograms and sandalwood oil upto one hundred grams] for bona fide domestic use.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to ³[seven years and with fine which may extend to twenty-five thousand rupees:

Provided that,

(i) in the case of first offence, the term of imprisonment shall not be less than three years and the amount of fine shall not be less than ⁴ [five thousand rupees];

(ii) in the case of a second or subsequent offence, the term of imprisonment shall not be less than five years and the amount of fine shall not be less than twenty thousand rupees.]

1. Substituted for the words "refine or sell" by Act No. 10 of 1989, w.e.f. 16-3-1989

2. Substituted for the words "seven pounds" by Act No. 10 of 1989, w.e.f. 16-3-1989

3. Substituted for the words "two years or with fine which may extend to two thousand rupees or with both" by Act No. 1 of 1981, w.e.f. 3-2-1981

4. Substituted for the words "ten thousand rupees" by Act No. 12 of 1998, w.e.f. 11-5-1998

88. Definitions :-

In this Chapter, unless the context otherwise requires.

(a) "Land" means land belonging to the State Government or private lands;

(b) "Prescribed" means prescribed by rules made under this Chapter.

89. Felling, etc., of catechu trees without permission prohibited :-

No person shall fell, remove, girdle, mark, lop, tap, uproot or burn or strip, bark or leaves from or otherwise damage, any catechu tree growing, existing or found on any land or manufacture cutch unless such person is duly authorised in this behalf under this Chapter.

90. Felling, conversion or removal of catechu trees by the Forest or Revenue Department or by a person :-

The felling, conversion or removal of catechu trees and timber or manufacture of cutch shall not be effected by any person, other than the following, namely.

(1) by the officers of the Forest and Revenue Departments of the State Government authorised in this behalf by the State Government either by a general or special order; or

(2) by a person holding a permit granted by the Divisional Forest Officer ¹ [x x x]

1. Chapter XI-A and Sections 98-A and 98-B inserted by Act No. 15 of 1976 and shall be deemed to have come into force w.e.f. 24-12-1975

91. Application for permit for felling catechu trees :-

(1) Every person who, whether as holder, occupant, tenant, sub-tenant or lessee or in any other capacity, having right over catechu trees growing or existing or found on any land and who is desirous of felling such trees for manufacture of cutch, sale or other purposes, shall apply to the 2[Divisional Forest Officer] in the prescribed form and obtain a permit:

Provided that no such permit shall be necessary for felling of catechu trees sold by the Forest Department and manufacture of cutch from such trees.

(2) Every permit referred to in sub-section (1) shall be in the prescribed form.

92. Transport, etc., of catechu trees or timber without permit prohibited :-

No person shall transport or move any catechu trees or timber unless such trees or timber is accompanied by a permit.

93. Purchase or transport of cutch without permit prohibited :-

No person shall sell or otherwise dispose of any stock of cutch or transport the same to any place except under a permit granted by the Divisional Forest Officer or purchase any stock of cutch from any person other than the person permitted by the Divisional Forest Officer to dispose of his stock:

Provided that such permission shall not be necessary for purchase and transport of cutch up to seven pounds for bona fide domestic use.

94. Manufacture of cutch to be carried on in specified places :-

The boiling of catechu logs, manufacture of cutch and other process for the manufacture of cutch shall be carried on only in such places and within such time as may be specified by the Divisional Forest Officer.

95. Maintenance of accounts :-

Every person who is permitted to manufacture cutch or who comes into possession of any stock of cutch exceeding seven pounds shall maintain regular, true and correct accounts in prescribed forms and send a return in the prescribed form to the Divisional Forest Officer on the first day of every month and shall continue to send such returns until the entire stock with him is exhausted.

96. Power of Revenue, Forest and Police Officers to search and seize property liable to confiscation :-

Any Revenue Officer not below the rank of a Revenue Inspector or any Forest Officer not below the rank of a Forest Guard or any Police Officer not below the rank of a Head Constable may, within his jurisdiction enter any land and inspect at all reasonable times, stock of cutch, catechu trees felled, boiling of catechu, accounts maintained and for that purpose enter any premises or stop any animal, vehicle, vessel or other conveyance and search the same and seize stocks of catechu trees and cutch together with the

packages, coverings and containers thereof in respect of which he has reason to believe that any of the provisions of this Chapter have been contravened, and the driver and other person or persons, who may, for the time being in charge of such animal, vehicle, vessel or other conveyance, shall stop or secure the stopping of such animal, vehicle or other conveyance on demand by the said officer and render all assistance within their power in connection with such search or seizure:

Provided that in exercising the power of entry and search due regard shall be paid by such officer to the social and religious customs of the occupants of the premises or vehicle, vessel or other conveyance:

Provided further that if any such premises be found locked up and unoccupied or unattended by or on behalf of the owner or occupiers, the same may, in the presence of two respectable witnesses, be broken open and entered upon for any or all of the above purposes.

97. Power to make rules :-

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely.

- (a) the forms of application and permit and their supply;
- (b) the form of permit for the transport of catechu trees or timber;
- (c) the languages in which the forms of application and permit shall be printed;
- (d) the form in which accounts should be maintained.

98. Penalty :-

Whoever contravenes the provisions of Sections 89, 90, 91, 92, 93, 94 or 95 shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

CHAPTER 11A

FOREST DEVELOPMENT TAX

98A. Levy of Forest Development Tax :-

(1) Notwithstanding anything contained in this Act, in respect of forest produce disposed of by the State Government²[or by a corporation, owned or controlled by or a body notified by the State Government] by sale or otherwise, there shall be levied and paid to the State Government a tax at the rate of 3[eight per cent] on the amount of consideration paid therefor.

¹[

Provided that the tax levied and paid under this sub-section on the disposal of forest produce specified in column (2) of the Table below to the categories of persons or industries specified in column (3) thereof shall be twelve per cent on the amount of consideration.

TABLE

Sl. No.	Forest produce	When disposed of to
(1)	(2)	(3)
1.	Timber, Firewood, Grass, Charcoal and Eucalyptus	Industries
2.	Bamboo, reeds and canes	Pulp and Paper Industries except Cottage Industries;
3.	Sandalwood	(a) Sandalwood Oil Factories; and (b) Others, except; (i) Artisans (ii) Religious Institution; and (iii) Cottage Industries
4.	Minor Forest produce as defined in the rule but not falling under Serial numbers Land 2	Industries except Large scale Multipurpose Co-operative Societies (LAMPS)]".

²

[Provided further that the tax under the above proviso in respect of Eucalyptus and Bamboos supplied as raw material for manufacture of news print shall be fifty per cent of the rates specified therein or a period of five years.]

³ [

(1A) Notwithstanding anything contained in sub-section (1), no tax shall be payable to the State Government by a corporation, owned or controlled by the State Government to the extent of tax not levied and collected by it during the period from fourteenth day of February, 1978, till the commencement of the Karnataka Forest (Amendment) Act, 1988.]

(2) The said tax shall be collected along with such consideration.

(3) It is hereby declared that the said tax shall be in addition to

and not in lieu of any tax payable in respect of such produce under any other law in force.

1. First Proviso inserted by Act No. 7 of 1983, w.e.f. 1-4-1983
2. Second Proviso inserted by Act No. 10 of 1989 and shall be and shall be deemed to have been inserted w.e.f. 1-10-1983
3. Sub-section (1-A) inserted by Act No. 10 of 1989, w.e.f. 16-3-1989

98B. Forest Development Fund :-

(1) There shall be constituted for the State of Karnataka a Fund called the Karnataka Forest Development Fund.

1

(2) The following shall form part of Karnataka Forest Development Fund, namely:

- (a) the tax levied and collected under Section 98-A;
- (b) the money recovered for raising compensatory plantation in lieu of the forest area made over for non-forestry purposes;
- (c) sandal surcharges collected for the development of sandalwood resources;

(2A) The amounts referred to in sub-section (2) shall first be credited to the Consolidated Fund of the State and under appropriation duly made by law in this behalf, be entered in and transferred to the Karnataka Forest Development Fund.]

(3) Any amount transferred to the said fund under sub-section (2), shall be charged upon the Consolidated Fund of the State.

(4) The amount at the credit of the said fund shall not be expended except for the raising of forest plantation and for such other purpose as are ancillary thereto.

1. Sub-sections (2) and (2-A) substituted for sub-section (2) by Act No. 10 of 1989, w.e.f. 16-3-1989

CHAPTER 12

MISCELLANEOUS

99. The State Government may invest Forest Officers with certain powers :-

(1) The State Government may, by notification, invest any Forest Officer with all or any of the following powers, that is to say.

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of Civil Court to compel the attendance of witnesses and the production of documents and material objects;
- (c) power to issue a search warrant under the ¹[Code of Criminal Procedure, 1973 (Central Act II of 1974)];
- (d) power to hold inquiries into forest offences, and, in the course of such inquiry, to receive and record evidence;
- (e) power to notify the seasons and manner in which fire may be kindled, kept or carried in a reserved forest;
- (f) power to grant any permission referred to in Sections 25 and 50;
- (g) power to notify stations for the reception of drift timbers;
- (h) power to give public notice of timber collected under Section 53;
- (i) power to take possession of property under this Act;
- (j) power to direct the release of property or withdrawal of charges;
- (k) power to stop and check any vehicle suspected to carry forest produce.

²[

(1) power to do any other act which, in the opinion of the State Government, is conducive to the better protection and security of forest wealth belonging to the State Government and in particular sandal wood.]

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate: Provided that it has been taken in the presence of the accused person and recorded in the manner provided by ³ [Section 274 or Section 275 of the Code of Criminal Procedure 1973 (Central Act II of 1974)].

1. Substituted for the words, figures and brackets "Code of Criminal Procedure, 1898 (Central Act V of 1898)" by Act No. 10 of 1989, w.e.f. 16-3-1989

2. Clause (1) inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Substituted for the words, figures and brackets "Section 355, Section 356 or Section 357 of the Code of Criminal Procedure, 1898

(Central Act V of 1898)" by Act No. 10 of 1989, w.e.f. 16-3-1989

100. Removal of forest produce from inam lands :-

No trees, wood or timber or other forest produce shall be removed from inam forest lands without a permit, to be obtained under such rules as may be prescribed, provided that no fee shall be payable for such permits.

101. Control over reserved trees :-

The State Government may by rules regulate the preservation, reproduction and disposal of sandal trees and such classes of reserved trees as it deems fit.

101A. Grant of forest produce on seigniorage rate :-

¹²[

(1)] The State Government may grant to any person, any tree, wood or timber or other forest produce in any district or reserve forest on payment by such person such seigniorage value as may ³[x x x], subject to general or special orders of the State Government, ⁴[be fixed] by the Chief Conservator of Forests.] ⁵[

Provided that no seigniorage value shall be payable in respect of bark for the period from the Nineteenth day of February, 1981 to the Thirty-first day of August, 1983:

Provided further that the State Government may, for a period of ten years from the First day of October, 1983, and on payment of fifty per cent of such seigniorage value, grant to any person Eucalyptus or Bamboos for the manufacture of news print.]

6

(2) The holder of a lease or agreement or any other document granted or entered into prior to the commencement of the Karnataka Forest (Amendment) Act, 1980 and providing for supply of any tree, wood, timber or other forest produce by the State Government shall, notwithstanding anything contained in the instrument of lease or agreement or other document or in any law in force at such commencement, pay, in respect of such tree, wood, timber or other forest produce received by him after such commencement, value (by whatever name called) at the rate for the time being specified in the rules made or orders issued under sub-section (1), in respect of such tree, wood, timber or other forest produce.

(3) The holder of any such lease, agreement or document, granted or entered into after the commencement of the Karnataka Forest (Amendment) Act, 1980 notwithstanding anything contained in such lease, agreement or document shall pay, in respect of any tree, wood, timber or other forest produce received by him, value (by whatever name called) at the rate for the time being specified in the rules made or orders issued under subsection (1), in respect of such tree, wood, timber or other forest produce.

(4) The rates specified in the rules made or orders issued under sub-section (1), may be modified from time to time by the Chief Conservator of Forests:

Provided that the Chief Conservator of Forests shall not enhance the rate or value in respect of any tree, wood, timber or other forest produce more than once during any period of two years.]

1. Section 101-A inserted by Act No. 1 of 1981 and shall be and shall be deemed always to have been inserted

2. Section 101-A renumbered as sub-section (1) thereof by Act No. 1 of 1981, w.e.f. 3-2-1981

3. The words "be prescribed by rules, or" omitted by Act No. 1 of 1981, w.e.f. 3-2-1981

4. Substituted for the words "as may be fixed" by Act No. 1 of 1981, w.e.f. 3-2-1981

5. Provisos added by Act No. 10 of 1989 and shall be deemed to have been added w.e.f. 23-2-1981

6. Sub-sections (2) to (4) inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

101B. Supply of forest produce under agreement by the State Government :-

1

(1) No lease, agreement or any other document entered into by the State Government and providing for supply of fire-wood, timber or other forest produce by the State Government shall, at a time, be for a term

(2) Any lease or agreement or any other document providing for the supply of tree, wood, timber or other forest produce by the State Government, granted or entered into prior to the commencement of the Karnataka Forest (Amendment) Act, 1984,

(a) for a term exceeding five years and in force on the date of such commencement, shall cease to be in force on the expiry of the term specified therein or the period of five years from the date of such

commencement, whichever is earlier;

(b) shall be and shall be deemed to be subject to the condition of availability of such tree, wood, timber or other forest produce.]

1. Section 101-B inserted by Act No. 11 of 1984 and shall be deemed to have come into force w.e.f. 13-1-1984

102. General powers to make rules :-

(1) The State Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made.

(a) to prescribe and limit the powers and duties of any Forest Officer under this Act;

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

(c) for the preservation, reproduction and disposal of trees, timber and other forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons;

(d) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act or otherwise.

1 [

(e) to regulate the cutting, felling, sale or disposal of blackwood or biter tree (Dalbergia Latifolia);

(f) to prescribe the fees to be levied in respect of licenses, permits, passes or permission issued under this act or rules made thereunder;

(g) in respect of any other matter which is required or allowed by this Act to be prescribed.

1. Clauses (e) to (g) inserted by Act No. 23 of 1974

103. Rules to be laid before State Legislature :-

Every rule made under this Act, shall be laid, as soon as may be after it is made, before each Ho of the State Legislature while it is in session for a total period of thirty which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following,

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.

104. Penalties for contravention of Act or rules :-

Any person contravening any provision of this Act or any rule made under this Act, for the contravention of which no special penalty is provided, shall, on conviction be punishable with imprisonment for a term which may extend to ¹[six months] or with fine which may extend to ²[one thousand rupees], or with both. ³

[Provided that any person contravening any such provision relating to sandalwood, shall, on conviction, be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.]

1. Substituted for the words "one month" by Act No. 23 of 1974

2. Substituted for the words "five hundred rupees" by Act No, 23 of 1974

3. Proviso inserted by Act No. 1 of 1981, w.e.f. 3-2-1981

104A. Restrictions on trade and transport of blackwood or Bite trees and limber thereof :-

1

(1) No person other than.

(a) the State Government; or

(b) the officers of the State Government not below the rank of a Divisional Forest Officer, authorised in writing in this behalf, shall purchase or transport any blackwood or bite tree (*Dalbergia Latifolia*) or timber thereof:

Provided that the purchase of any such tree or timber from the State Government or the aforesaid officers shall not be deemed to be a purchase in contravention of the provisions of this sub-section:

Provided further that the State Government may by order exempt any such tree or timber below such measurements as may be specified by it from time to time from the provisions of sub-section (1).

(2) No person shall sell or otherwise dispose of any such tree or

timber to any person other than the State Government or the aforesaid officers.

(3) Notwithstanding anything contained in sub-section (1) any such tree or timber purchased from the State Government or the aforesaid officers by any person for bona fide personal use may be transported by such person in accordance with the terms and conditions of a permit issued by such authority and in such manner as may be prescribed.

(4) The price of any such tree or timber shall be such as the State Government may by order specify from time to time, having regard to.

(a) prevalent market price;

(b) quality of the timber in the locality;

(c) transport facilities available in the locality;

(d) the cost of transport;

(e) general level of wages for labour prevalent in the locality; and

(f) such other matters as may be prescribed.

(5) The State Government or the aforesaid officers may establish such number of depots as may be necessary where any such tree or timber may be sold to the State Government or the aforesaid officers.

(6) The State Government or the aforesaid officers subject to the general supervision and control of the State Government shall be bound to purchase at the price fixed under sub-section (4) any such tree or timber offered for sale during the hours of business.

(7) Any tree or timber purchased under sub-section (1) shall be sold or otherwise disposed of in such manner as the State Government may from time to time direct.

(8) Any person contravening the provisions of this section or any rule made thereunder shall, on conviction, be punishable with imprisonment for a term which may extend to ²[five years] and with fine which may extend to ³ [ten thousand rupees].

1. Sections 104-A and 104-B inserted by Act No. 23 of 1974

2. Substituted for the words "two years" by Act No. 1 of 1981, w.e.f. 3-2-1981

3. Substituted for the words "five thousand rupees" by Act No. 1 of 1981, w.e.f. 3-2-1981

104D. Special provision regarding bail :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) no person accused of a forest offence, punishable under Sections 86 or 87 or 104-A or in respect of ivory, shall, if in custody, be released on bail or on his own bond unless.

(a) the prosecution has been given an opportunity to oppose the application for such release; and

(b) 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.

104E. Enhanced jurisdiction of Judicial Magistrate First Class :-

¹ x x x xx.]

1. Section 104-E omitted by Act No. 11 of 1984 and shall be deemed to have come into force w.e.f. 13-1-1984

104F. Persons not be released on probation :-

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), no person convicted of an offence punishable under Sections 86, 87, or 104-A, shall be released on probation or admonition.

104G. Removal of persons convicted of certain offences :-

(1) When any person having been previously convicted twice or more of an offence punishable under Sections 86, 87 or 104-A is again convicted of an offence punishable under any of the said sections, the Court may, if it thinks fit, at the time of passing the sentence on such person, also, by order, direct such person to remove himself after the expiry of such sentence outside any district or any other area specified in such order.

(2) The order under sub-section (1), shall specify the period not exceeding two years during which such order shall remain in force and shall specify such conditions and restrictions as may be specified in the rules, by the State Government.

(3) If such conviction is set aside on appeal or otherwise, such

order shall become void.

(4) An order under this section may also be made by an appellate Court or by the High Court when exercising its powers of revision.

(5) If a person to whom a direction is issued under this section to remove himself from any area

(i) fails to remove himself as directed; or

(ii) having so removed himself, except with the permission in writing of the Court mentioned in sub-section (1), enters the area within the period specified in the order, the Court may cause him to be arrested and removed in police custody to such place outside the area as the Court may, in each case, specify.

(6) Any person who is guilty of the breach of any order passed under this section or of any of the conditions or restrictions specified in such order, shall be punished with imprisonment which may extend to three years or with fine, or with both].

105. Persons bound to assist Forest Officers and Police Officers :-

(1) Every person who exercises any right in a reserved forest or protected forest or district forest or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in any forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such forest or the commission of, or intention to commit, any forest offence, and shall forthwith take steps, whether so required by any Forest Officer or Police Officer or not.

(a) to extinguish any forest fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest; and shall assist any Forest Officer or Police Officer demanding his aid.

(c) in preventing the commission in such forest of any forest offence; and

(d) when there is reason to believe that any such offence has been committed, in such forest, in discovering and arresting the offender.

(2) Any person, who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails.

(a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1);

(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved forest or protected forest or district forest;

(c) to prevent as required by sub-section (1) any fire in the vicinity of such forest from spreading to such forest; or

(d) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or, when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender; shall, on conviction, 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.

106. Management of forests which are the joint property of State Government and other persons :-

(1) If the State Government and any person be jointly interested in any forest or wasteland, or in the whole or any part of the produce thereof, the State Government may either.

(a) undertake the management of such forest, wasteland or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, wasteland or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the State Government undertakes under clause (a) of sub-section (1) the management of any forest, wasteland or produce, it may, by notification, declare that any of the provisions contained in Chapters II and IV shall apply to such forest, wasteland or produce, and thereupon such provisions shall apply

accordingly.

107. Power of State Government to apply provisions of this Act to certain lands of State Government or local authority :-

The State Government may, by notification, declare that any of the provisions of this Act, shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.

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

(1) If any person is entitled to a share in the produce of any forest which is the property of the State Government or over which the State Government has proprietary rights or to any part of the forest produce of which the State Government is entitled, upon the conditions of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and 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.

(2) Any person aggrieved by the confiscation of his share under sub-section (1) may within sixty days from the date of receipt of the order of the State Government, appeal to the High Court.

109. Recovery of money due to Government :-

¹[

(1)] All money payable to the State 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 as if it were an arrear of land revenue.

² [

(2) Notwithstanding anything contained in sub-section (1) or in any other law for the time being in force, on an application made by a Forest Officer, for the recovery of arrears of any sum due by any

person towards lease, rent, forest development tax, royalty, price of any forest produce or any other sum due under this Act, or any rule, order or notification made or issued thereunder, the conservator of forest may after making an enquiry and giving a reasonable opportunity of being heard to such person, decide the sum due, and issue a certificate for recovery of the said sum.

(3) An order made under sub-section (2), shall be binding on the person against whom it is made and shall, if not carried out, on a certificate signed by me Conservator of Forest be deemed to be a decree of Civil Court, and shall be executed in the same manner as a decree of such Court.]

1. Section 109 renumbered as sub-section (1) thereof by Act No. 20 of 2000, w.e.f. 4-10-2000

2. Sub-sections (2) and (3) inserted by Act No. 20 of 2000, w.e.f. 4-10-2000

110. Lien on forest produce for such money :-

(1) When any money referred to in Section 109 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 duly 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, the Forest Officer may sell such produce by public auction and the proceeds of sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within sixty days from the date of sale by the person entitled thereto, shall be forfeited to the State Government.

111. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act :-

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

112. Recovery of penalties due under bond :-

(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 contravention of the conditions thereof may, notwithstanding anything in Section 74 of the Indian Contract Act, 1872, be recovered from him in case of such contravention as if it were an arrear of land revenue.

(2) If any question arises.

(a) whether there has been a contravention of any of the conditions of such bond or instrument;

(b) as to the sum to be paid for such contravention;

(c) as to the person or persons liable to pay such sum; the question shall be referred to and (after giving notice to the person concerned and after considering his objections, if any) be decided by an officer not below the rank of a Divisional Forest Officer authorised by the State Government in this behalf. The person aggrieved by the decision of such officer may, within a period of sixty days from the date of such decision, appeal to the State Government or such other appellate authority as the State Government may, by notification, appoint in this behalf. The decision of such officer, subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.

113. Forest Officers deemed to be public servants :-

All Forest Officers shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

114. Indemnity for acts done in good faith :-

No suit, prosecution or other legal proceeding shall lie against any Forest Officer for anything done or omitted to be done by him in good faith under this Act or the rules or orders made thereunder.

114A. Suits or prosecution in respect of acts done under colour of duty not to be entertained without sanction of the State Government :-

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(1) In any case of alleged offence or of wrong alleged to have been committed by any Forest Officer, by any act done under colour or in excess of any such duty or authority under this Act, or wherein it shall appear to the Court that offence if committed was of the

character aforesaid, the prosecution or suit shall not be entertained except with the previous sanction of the State Government.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if so, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed with a declaration by the plaintiff of the time and manner of service thereof.]

1. Section 114-A inserted by Act No. 20 of 2000, w.e.f. 4-10-2000

115. Forest Officer not to trade :-

(1) No Forest Officer shall, as principal or agent or in any other capacity, trade in timber or other forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether within or outside the State of Karnataka.

(2) Whoever contravenes- the provisions of sub-section (1) shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine or with both.

116. Central Act No. 67 of 1957 to prevail :-

Nothing in this Act shall be deemed to affect the operation of the Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and the rules, made thereunder, and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Mines and Minerals (Regulation and Development) Act, 1957.

117. Repeal and Savings :-

The Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Bombay Area, the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Coorg District, the Hyderabad Forest Act, 1355 Fasli (Hyderabad Act II of 1355 Fasli), as in force in the Hyderabad Area, the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras Area, the Karnataka Forest Act,

1900 (Karnataka Act X of 1900), as in force in the Karnataka Area, and the Karnataka Preservation of Private Forests Act, 1962 (Karnataka Act No. 19 of 1962), are hereby repealed:

Provided that the repeal shall not affect.

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) 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 or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form or scheme framed, certificate obtained, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

118. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.