

## **Rajasthan Forest Act, 1953**

**13 of 1953**

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### **Rajasthan Forest Act, 1953**

#### **13 of 1953**

[Received the assent of the President on the 31st day of March. 1953}. Amended subsequently by: 1. Raj. Act 22 of 1956; 2. Raj. Act 27 of 1957; 3. Raj. Act 39 of 1958; 4. Raj. Act 19 of 1959; 5. Raj. Act 34 of 1961. An Act to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest produce. Be it enacted by the Rajasthan State Legislature as follows

#### CHAPTER 1

##### Preliminary

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the Rajasthan Forest Act, 1953. (2) It extends to the whole of the State of Rajasthan and shall come into force on such, date as the<sup>3</sup>[State Government] may, by notification in the <sup>4</sup>[Official Gazette] appoint in that behalf.

#### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context.-- (1) "Cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids; (2) "Forest Officer" means any person whom the <sup>1</sup> [State Government] or any officer empowered by the <sup>2</sup>(State Government] in this behalf may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest Officer; (3) "Forest offence" means an offence punishable under this Act or under any rule made thereunder; <sup>3</sup>[(4) "forest produce" includes-- (a) the following whether found in, or brought from a forest or not, that is to say:-- timber, charcoal, caoutchouc catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds and myra, myrabolams, and (b) the following when found in, or brought from, a forest, that is to say:-- (i) trees and leaves, flowers and fruits and all other parts or produce not hereinbefore mentioned, of trees, (ii) plants not being trees (including grass, creepers, reeds and moss), and all parts of produce of such plants, (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts of produce of animals, and (iv) peat, surface soil, rock and minerals (including

lime stone, laterite, mineral oils and all products of mines or quarries);] (5) 4[x x x] (6) "owner" includes the court of wards in respect of property under the superintendence or charge of such court; (7) "river" includes any stream, canal, creek or other channels natural or artificial; (8) "timber" includes trees when they have fallen or have been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not; and (9) "trees" includes palms, bamboos, stumps, brushwood and canes. 1 \*Subs. by Raj. Act 27 of 1957. 2 \*Subs. by Raj. Act 27 of 1957. 3 Subs, by Raj. Act 22 of 1956. 4 Omitted by Raj. Act 27 of 1957.

## CHAPTER 2

### Of Reserved Forests

#### **3. Power to reserve forest :-**

The I {State Government] may constitute any forest land or waste land, which is the property of [State Government] or over which the J[State Government] has proprietary rights, or to the whole or any part of the forest produce of which the [State Government] is entitled, a reserved forest in the manner hereinafter provided.

#### **4. Notification by 1[State Government] :-**

(1} Whenever it has been decided to constitute any land a reserved forest, the I{State Government] shall issue a notification in the [Official Gazette]-- (a) declaring that it has been decided to constitute such land a reserved forest; (b) specifying as nearly as possible, the situation and limits of such land; and (c) appointing an officer (hereinafter called "the Forest Settlement Officer") to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest produce, and to deal with the same as provided in this Chapter. Explanation.-For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries. (2) The officer appointed under clause (c) of sub-section (1), shall ordinarily be a person not holding any forest office except that of Forest Settlement Officer. (3) Nothing in this section shall prevent the I[State Government] from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest office except as aforesaid, to perform the duties of a Forest Settlement Officer under this Act.

#### **5. Bar of accrual of forest rights :-**

After the issue of a notification under section 4, no right shall be

acquired in or over the land comprised in such notification except by succession or under a grant or contract in writing made or entered into by or on behalf of the [State Government] or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules, as may be made by the 1 [State Government] \n this behalf.

#### **6. Proclamation by Forest Settlement Officer :-**

When a notification has been issued under section 4, the Forest Settlement Officer shall publish in Hindi in writing as well as by beat of drum in every town and village in the neighbourhood of the land comprised therein, a proclamation-- (a) specifying, as nearly as possible, the situation and limits of the proposed forest; (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement Officer a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

#### **7. Inquiry by Forest Settlement Officer :-**

The Forest Settlement Officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of 2[State Government] and the evidence of any person likely to be acquainted with the same.

#### **8. Powers of Forest Settlement Officer :-**

For the purpose of such inquiry the Forest Settlement Officer may exercise the following powers, that is to say:-- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and (b) the power 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 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person

claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6. \_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957. 2 Subs, by Raj. Act 27 of 1957.

**10. Treatment of claims relating to practice of shifting cultivation :-**

(1) In the case of a claim relating to practice of shifting cultivation, the Forest Settlement Officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated and submit the statement to the State Government] together with his opinion as to whether the practice should be permitted or prohibited wholly or in part. (2) On receipt of the statement and opinion, the 2[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 claimant, 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 I[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 than the following rights:-- (a a right of way; (b a right to water-course or to use of water; (c) a right of pasture; or (d) a right to forest produce; the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part. (2) If such claim is admitted in whole or in part, the Forest Settlement Officer shall either-- (i) exclude such land from the limits of the proposed forest; or (ii) come to an agreement with the owner thereof for the surrender of his rights; or (iii) proceed to acquire such land in the manner provided by law for the time being in force relating to compulsory acquisition of land. (3) For the purpose of so acquiring such land-- (a) the Forest Settlement Officer shall be deemed to be a Collector proceeding under such law; (b) the claimant shall be

deemed to be a person interested and appearing before him in pursuance of a notice given under that law; (c) the provisions of that law shall be deemed to have been complied with; and (d) the Collector with the consent of the claimant, or the Court with the consent of both parties, may award compensation in land, or partly in land and partly in money. \_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957. 2 Subs, by Raj. Act 27 of 1957.

**12. Claims to rights of way, water-course, pasture, and to forest produce :-**

In the case of a claim to rights of the kind specified in clauses (a), (b), (c) and (d) of section 11, the Forest Settlement Officer, shall pass an order admitting or rejecting the same in whole or in part.

**13. Record to be made by Forest Settlement Officer :-**

The Forest Settlement Officer, when passing any order under section 12, shall record, so far as may be practicable, (a) the name, fathers name, residence and occupation of the person claiming the right; and (b) the designation, position and area of all fields or groups of fields (if any) and the designation and position of all build ings (if any) in respect of which the exercise of such rights is claimed.

**14. Record where he admits claims :-**

In regard to a claim to a right of pasture or to forest produce admitted under section 12, the Forest Settlement Officer shall record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze In the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorised to take or receive, and such other particulars, as the case may require. He shall also record whether the timber or other forest produce obtained by the exercise of the rights claimed may be sold or bartered.

**15. Exercise of rights admitted :-**

(1) After making such record, the Forest Settlement Officer shall, 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 continue exercise of the rights so admitted. (2) For this purpose, the Forest Settlement Officer may-- (a) set out some other forest tract of sufficient extent, and in a locality reasonably convenient for the purposes of such claimants and record an order



conferring upon them a right of pasture or to forest produce, as the case may be, to the extent so admitted; or (b) so alter the limits of the proposed forest as to exclude forest land of sufficient extent and in a locality reasonably convenient for the purpose of the claimants; or (c) record an order, continuing to such claimants a right of pasture or to forest produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the [State Government].

**16. Commutation of rights :-**

In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules, as the [State Government] may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manners, as he thinks fit.

**17. Appeal from order passed under section 11, section 12, section 15 or section 16 :-**

Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the [State Government], in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15, or section 16, present an appeal from such order to such officer of the Revenue Department of rank not lower than that of a Collector, as the [State Government] may, by notification in the [Official Gazette] appoint to hear appeals from such orders: Provided that the [State Government] may establish a Court hereinafter called the Forest Court composed of three persons to be appointed by the [State Government] and, when the Forest Court has been so established, all such appeals shall be presented to it.

**18. Appeal under section 17. :-**

(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the authority competent to hear the same. (2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land revenue. (3) If

the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly. (4) The order passed on the appeal by such officer or Court or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the [State Government], be final. \_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957. 2 Subs, by Raj. Act 27 of 1957.

**19. Pleaders :-**

The J[State Government] or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement Officer or the appellate Officer or Court, in the course of any inquiry or appeal under this Act.

**20. Notification declaring forest reserved. (1) When the following events have occurred, namely :-**

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement Officer; (b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented without sucrrperiod have been disposed of by the appellate Officer or Court, and (c) all lands (if any) to be included in the proposed forest, which the Forest Settlement Officer has, under section 11, elected to acquire under the law for the time being in force, relating to compulsory acquisition of land, have become vested in the 2[State Government] under such law, the 2[State Government] shall publish a notification in the 3[Official Gazette] specifying definitely, according to boundary marks erected or otherwise, the limits of the forest which is to be reserved, and declaring Lhe same to be reserved from a date fixed oy the notification. (2) From the date so fixed, such forest shall be deemed to be a reserved forest.

**21. Publication of translation of such notification in neighbourhood :-**

The Forest Officer, shall before the date fixed by such notification, cause a translation thereof in Hindi to be published in every town and village in the neighbourhood of the forest.

**22. Power to revise arrangements made under section 15 or section 18 :-**

4[(1)]The 5[State Government], may, within five years from the publication of any notification under section 20 revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other such proceedings, or that the right admitted under section 12 be commuted under section 16: Provided that no such arrangement shall be rescinded or modified unless previous notice has been given to the person or persons likely to be affected by such revision and they have been heard. [(2) The State Government may, by notification in the Official Gazette, delegate all or any of its powers under this section to the Board of Revenue or to any other authority named in such notification.) \_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957. 2 Subs, by Raj. Act 27 of 1957. 3 Subs, by Raj. Act 27 of 1957. 4 Renumbered by Raj. Act 34 of 1961. 5 Subs, by Raj. Act 27 of 1957.

**23. No right acquired over reserved forest except as here provided :-**

No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the [State Government] or some person in whom such right was vested when notification under section 20 was issued.

**24. Rights not to be alienated without sanction :-**

(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the [State Government]: Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house. (2) No timber or other forest produce obtained in exercise of any such right shall be sold or bartered except to such extent, as may have been admitted in the order recorded under section 14.

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

The Forest Officer may, with the previous sanction of the 4[State Government] or any officer duly authorised by it in this behalf stop any public or private way or water course in a reserved forest, provided that a substitute for the way or water course so stopped,

which the 5[State Government] deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest Officer in lieu thereof. \_\_\_\_\_ 1 Ins. by Raj. Act 34 of 1961. 2 Ins. by Raj. Act 22 of 1956. 3 Ins. by Raj. Act 22 of 1956. 4 Ins. by Raj. Act 22 of 1956. 5 Ins. by Raj. Act 22 of 1956.

**26. Acts prohibited in such forests :-**

(1) Any person who-- (a) makes any fresh clearing prohibited by section 5, or (b) sets fire to a reserved forest, or in contravention of any rules made by the 1 [State Government] in this behalf, kindles any fire, or leaves any fire burning in such manner, as to endanger such a forest, or who, in a reserved forest; (c) kindles, keeps or carries any fire except at such seasons, as the Forest Officer may notify in this behalf; (d) trespasses, or pastures cattle, or permits cattle to trespass; (e) causes any damage by negligence in felling [uprooting converting] any tree or cutting or dragging any timber; (f) fells [up roots] girdles, lops, taps, or burns any tree, [or part thereof], or strips off the bark or leaves from or other wise damages, the same; (g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce. (h) clears or breaks up any land for cultivation or any other purpose; or (i) in contravention of any rules made in this behalf by the [State Government] hunts, shoots, fishes, poisons water sets traps or snares, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid. (2) Nothing in this section shall be deemed to prohibit-- (a) any act done by permission in writing of the Forest Officer, or under any rule made by the 6[State Government]; or (b) the exercise of any right continued under clause (e) of sub section (2) of section 15 or created by grant or contract in writing made by or on behalf of the State Government] under section 23. (3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the 8[State Government] may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit, but no such order shall be passed without affording the persons concerned an opportunity to represent their case.

\_\_\_\_\_ 1 Ins. by Raj. Act 22 of 1956. 2

Ins. by Raj. Act 22 of 1956. 3 Ins. by Raj. Act 22 of 1956. 4 Ins. by Raj. Act 22 of 1956. 5 Subs, by Raj. Act 27 of 1957. 6 Subs, by Raj. Act 27 of 1957. 7 Subs, by Raj. Act 27 of 1957. 8 Subs, by Raj. Act 27 of 1957. ] [26A. Power to make rules. (1) The 2[State Government! may make rules to regulate the following matters in respect of reserved forests, namely:-- (a) the making of fresh clearings for cultivation or for any other purpose; (b) the continuance of the practice of shifting cultivation; (c) the grazing of cattle or the carrying of forest produce by persons whose claim to the right of pasture or right to forest produce of right of way or water-course is admitted under section 12; (d) the kindling, keeping or carrying of fire; (e) the felling, uprooting, tapping, girdling, sawing, conversion and removal of trees and timber and the collection, manufacture and removal of forest produce, from such forests; (f) the examination of forest produce passing out of such forests; (g) the protection from fire of timber, charcoal or other produce lying in such forests and of trees; (h) the cutting of grass and pasturing of cattle in such forests; (i) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests; (j) generally for carrying out the purposes of the Act. (2) The 3[State Government] may prescribe as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or both.]

\_\_\_\_\_ 1. Ins. by Raj. Act 22 of 1956. 2 Subs, by Raj. Act 27 of 1957. 3 Subs, by Raj. Act 27 of 1957.

## **27. Power to declare forest no longer reserved :-**

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

### **CHAPTER 3**

#### **Of Village Forests**

## **28. Formation of village forests :-**

(1) The [State Government] may assign to any village community, the rights of [State Government] to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The 5[State Government] may make rules for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made, may be provided with timber or other forest produce or pasture, and their duties for the protection and improvement of such forest. (3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to the village forests.

#### CHAPTER 4

#### Of Protected Forests

### **29. Protected Forests :-**

(1) The 6[State Government] may, by notification in the 7[Official Gazettel declare the provisions of this Chapter applicable to any forest land or waste land which is not included in a reserved forest, but which is the property of the 8[State Government] or over which the [State Government] has proprietary rights or to the whole or any part of the forest produce of which the 2[State Government] is entitled. (2) The forest land and waste lands comprised in any such notification shall be called a "Protected Forest". (3) No such notification shall be made unless the nature and extent of the rights of 3[State Government] and of private persons in or over the forest land or waste land comprised therein have been inquired into and recorded at a survey or settlement or in such other manner as the 4tState Government] thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved: Provided that, if, in the case of any forest land or waste land, the 5[State Government] thinks that such inquiry and record are necessary but that they will occupy such length of time as in the meantime to endanger the rights of [State Government], 7[State Government] may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities. 8[(4) The State Government may, by notification in the Official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof declared as a protected forest by a notification issued under sub-section (1) shall cease to be a protected forest. (5) From the date so fixed, under sub-section (4), such forest or portion thereof shall cease to be a protected forest, but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.] \_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957. 2 Subs, by Raj. Act 27 of 1957. 3A Subs, by Raj. Act 27 of

1957. 4 Subs, by Raj. Act 27 of 1957. 5 Subs, by Raj. Act 27 of 1957. 6 Subs, by Raj. Act 27 of 1957. 7 Subs, by Raj. Act 27 of 1957. 8 Subs, by Raj. Act 27 of 1957.

**30. Power to issue notification reserving trees etc :-**

The [State Government] may, by notification in the 2[Official Gazette]-- (a) declare any trees or class of trees in a protected forest to be reserved, from a date fixed by the notification; (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the [State Government] thinks fit, and that the rights of private persons if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or (c) prohibit, from a date fixed as aforesaid, the quarrying of stone or the burning of lime or charcoal or the collection or subjection to any manufacturing process, or removal of, any forest produce in any such forest and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

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1 Subs, by Raj. Act 27 of 1957. 2 Subs, by Raj. Act 27 of 1957. 3 Subs, by Raj. Act 27 of 1957.

**31. Publication of translation of such notification in neighbourhood :-**

The Forest Officer shall cause a translation in Hindi of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

**32. Power to make rules for protected forests :-**

The 1(State Government) may make rules to regulate the following matters, namely: (a) the cutting, sawing, conversion and removal of trees and timber and the collection, manufacture and removal of forest produce, from protected forests; (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest produce for their own use, and the production and return of such licences by such persons; (c) the granting of licences to persons felling or removing trees or timber or other forest produce from such forests for the purposes of trade, and the production and return of such licenses by such persons; (d) the payment, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such

trees or to collect and remove such timber or other forest produce; {e) the other payments, if any to be made by them in respect of such trees, timber and produce, and the place where such payment shall be made; (f) the examination of forest produce passing out of such forests; (g) the clearing and breaking up of land for cultivation or other purposes in such forests; (h) the protection from fire of timber lying in such forests and of trees reserved under section 30; (i) the cutting of grass and pasturing of cattle in such forest; (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests; (k) the protection and management of any portion of a forest closed under section 30; and (1) the exercise of rights referred to in section 29. \_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957.

**33. Penalties for acts in contravention of notification under section 30 or rules under section 32 :-**

(1) Any person who commits any of the following offences, namely:-- (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from or otherwise damages, any such tree; (b) contrary to any prohibition under section 30, quarries any stone, or bums any line or charcoal or collects, subjects to any manufacturing process, or removes any forest produce; (c) contrary to the prohibition under section 30. breaks up or clears for cultivation or any other purpose, any land in any protected forest: (d) sets fire to such forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled or to any closed portion of such forest; (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion; (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid; (g) permits cattle to damage any such tree; (h) infringes any rule made under section 320; shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both. (3) Whenever fire is caused wilfully or by gross negligence in a protected forest, the I[State Government] may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof, the exercise of any right of pasture or to forest produce shall be suspended for such period as it thinks fit, but no such order shall be passed without affording the persons concerned an opportunity to represent their case.



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

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

\_\_\_\_\_ 1 Subs, by Raj. Act 27 of 1957.

#### **CHAPTER 5**

Of the control over Forest and Lands not being the property of Hthe State Government]

### **35. Protection of forests for special purposes :-**

(1) The 2I[State Government] may, by notification in he 3[Official Gazette] regulate or prohibit in any forest or waste land.- (a) the breaking up or clearing of land for cultivation; (b) the pasturing of cattle; or {c) the firing or clearing of the vegetation; 4[(d) the unregulated falling of trees;] when such regulation or prohibition appears necessary for any of the following purposes:-- (i) for protection against storms, winds, rolling stones and floods; (ii) for the preservation of the soil on the ridges and slops and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines and torrents or the protection of land against erosion or the deposit thereon of sand, stones or gravel: (iii) for the maintenance of a water-supply in springs, rivers and tanks; (iv) for the protection of roads, bridges, railways and other lines of communication; (v) for the preservation of the public health; [(vi) for the prevention of denudation of forest.] (2) The b[State Government] may, for any such purpose, construct at its own expense, in or upon any forest or waste land, such work, as it thinks fit. (3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period [(not exceeding one month)] to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer, duly appointed in that behalf and have been considered by the ^[State Government].

\_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957.  
2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of

1957. 4 Ins. by Raj. Act No. 22 of 1956. 5 Ins. by Raj. Act No. 22 of 1956. 6 Subs, by Raj. Act No. 27 of 1957. 7 Ins. by Raj. Act No. 22 of 1956.

**36. Power to assume management of forests. :-**

(1) In case of neglect of or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the [State Government] may, after notice in writing to the owner of such forest or after considering his objections, if any, place the same under the control of a Forest Officer and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land. (2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

**37. Expropriation of forests in certain cases. :-**

(1) In any case under this chapter in which the J[State Government] considers that in lieu of placing the forest or land under the control of a Forest Officer, the same should be acquired for public purposes, the 4[State Government] may proceed to acquire it in the manner provided by the \*[Rajasthan Land Acquisition Act, 1953 {Rajasthan Act XXIV of 1953}]. (2) The owner of any forest or land comprised in any notification under section 35, may at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the 5[State Government] shall acquire such forest or land accordingly.

**38. Protection of forests at request of owners. :-**

(1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to formation or conservation of forests thereon, represent in writing to the Collector their desire- (a) that such land be managed on their behalf by the Forest Officer, as a reserved or a protected forest on such terms, as may be mutually agreed upon; or (b) that all or any of the provisions of this Act be applied to such lands. (2) In either cases, the Estate Government] may, by notification in the 2[Official Gazette], apply to such land, such provisions of this Act, as it thinks suitable to the circumstances thereof and as may be desired by the applicants. \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs, by Raj. Act No. 27 of 1957. 5

Subs, by Raj. Act No. 27 of 1957.

#### CHAPTER 6

Of the Duty on timber and other forest produce

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

(1) The [State Government] may levy a duty in such manner at such places and at such rates as it may declare by notification in the [Official Gazette] on all timber, or certain classes of timber or other forest produce which is produced in [the State of Rajasthan] and in respect of which the 6[State Government] has any right. (2) In every case in which such duty is directed to be levied ad valorem, the 7[State Government] may, fix by like notification the value on which such duty shall be assessed. (3) All duties on timber or other forest produce which at the time when this Act comes into force in any territory, are levied therein under the authority of the 8[State Government], shall be deemed to be and to have been duly levied under the provisions of this act.

### **40. Duty not to affect purchase-money or royalty-Nothing :-**

in this chapter shall be deemed to affect the amount, if any, chargeable as purchase-money or royalty on any timber or other forest produce, although the same is levied on such timber or produce while in transit, in the same maine\* as duty is levied.

#### CHAPTER 7

Of the Control of Timber and other forest produce in transit.

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

(1) The control of all rivers and their banks as regards the floating of timber as well as the control of all timber and other forest produce in transit by land or water is vested in the 9[the State Government] and it may make rules to regulate the transit of all timbers and other forest produce. (2) In particular and without prejudice to the generality of the foregoing powers, such rules may-- (a) prescribe the routes by which alone timber or other specified forest produce may be imported, exported or moved into, from or within [State of Rajasthan;] (b) prohibit the import or export or moving of such timber or other produce within defined local limits, without a pass from an officer duly authorised to issue the same or other wise than in accordance with the conditions of such pass; (c) provide for the issue, production and return of such passes and for the payment of fees therefor; (d) provide for the

stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to the [State Government] on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purpose of this Act to affix a mark; (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots; (f) prohibit the closing up or obstructing of the channel 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; (g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same; (h) prohibit absolutely or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same or the possession or carrying of marking hammers or other implements used for making timber; (i) regulate the use of property marks for timber and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration. \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957.

**42. Penalty for breach of rules made under section 41.(1) :-** The State Government] may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both. (2) Such rules may provide that penalties which are double of those mentioned in sub-section (1), may be inflicted in cases where the offence is committed after sunset and before sunrise or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

**43. [State Government] and Forest Officers not liable for damage to Forest produce at depots :-**

The 2iState Government] shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

**44. All persons bound to aid in case of accident at Depot. :-**

In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the [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. \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957.

**CHAPTER 8**

Of the Collection of Drift and Stranded Timber

**45. Certain kinds of timber to be deemed property of the 1[State Government] until title thereto proved and may be collected accordingly. :-**

1) All timber found adrift beached, stranded or sunk: all wood or timber bearing marks which have not been registered in accordance with rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the 2[State Government] directs, all unmarked wood and timber; shall be deemed to be the property of ^[State Government], unless and until any person establishes his right and title thereto, as provided in this chapter. (2) Such wood and timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber. (3) The 4[State Government] may, by notification in the 5[Official Gazette], exempt any class of wood or timber from the provisions of this section.

**46. Notice to claimants of drift timber :-**

Public notice shall from time to time be given by the Forest Officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the

same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

**47. Procedure on claim preferred to such timber. :-**

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

**48. Disposal of unclaimed timber :-**

If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the [State Government] or when such timber has been delivered to another person under section 47 in such other person free from all encumbrances not created by him. \_\_\_\_\_ 1 Subs, by Raj. Art No. 27 of 1957. 2 Subs. Viy Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs.1 by Raj. Act No. 27 of 1957. 5 Subs,, by Raj. Act No. 27 of 1957.

**49. 3[State Government] and its officers not liable for damage to such timber. :-**

The 4[State Government] shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest Officer shall be responsible for any such

loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

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

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

**51. Power to make rules and prescribe penalties. :-**

(1) The 5[State Government] may make rules to regulate the following matters, name- (a) the salving, collection disposal of all timber mentioned in section 45; (b) the use and registration of boats used in salving and collecting timber; (c) the amounts, to be paid for salving, collecting, moving, storing or disposing of such timber; and (d) the use and registration of hammers and other instruments to be used for marking such timber. (2) The State Government] may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both. \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs, by Raj. Act No. 27 of 1957. 5 Subs, by Raj. Act No. 27 of 1957.

CHAPTER 9

Penalties and Procedure

**52. 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, carts, trucks, or any other vehicle, or cattle used in committing any such offence may be seized by any Forest Officer or Police Officer not below the rank of a Head Constable. (2} Every Officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made 2[or to his official Superior, whoever may be nearer:] Provided that, when the forest produce with respect to which such offence is believed to have been committed, is the property of 3[State Government] and the offender is a unknown, it shall be sufficient if the officer makes, as

soon as may be, a report of the circumstances to his official superior.

**53. Power to release property seized under section 52 :-**

Any Forest Officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts, trucks, or cattle under section 52, may release the same on the execution by the owner thereof of (a bond for the production of the property so released [when and where required to produce the same] 5[x x x]).

**54. [Subsequent Procedure. :-**

(1) When a report is made by any officer under sub-section (2) of section 52 to his official superior, such official superior shall, with all convenient despatch, make a report of the seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made. (2) The Magistrate shall, upon receipt of a report under subsection (2) of section 52 or under subsection (1) of this section, take such measures including arrest as may be necessary for the attendance and trial of the offender and the disposal according to law of the property seized.]

**55. Forest Produce, tools etc. when liable to confiscation. :-**

(1) All timber or forest produce which is not the property of [State Government] and in respect of which a Forest offence has been committed and all tools, boats, carts, trucks and cattle used in committing any forest offence, shall be liable to confiscation. (2) Such confiscation may be in addition to any other punishment prescribed for such offence.

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

When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property of [State Government] or has been confiscated, be taken charge of by a Forest Officer, and, in any other case, may be disposed of in such manner, as the Court may direct.

**57. Procedure when offender not known or cannot be found :-**

When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest Officer, or to be made over to the person whom the Magistrate deems to be entitled



to the same: \_\_\_\_\_ 1 Subs, by Raj. Act No. 39 of 1958. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Art No. 27 of 1957. Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

**58. Procedure as to perishable property seized under section 52 :-**

(1) Notwithstanding anything hereinbefore contained-- (a) the Magistrate may direct the sale of any property seized under section 52, which is subject to speedy and natural decay; and (b) if, in the opinion of the officer seizing such property, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale-proceeds into the nearest [State Government] Treasury and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measure as may be necessary for the trial of the accused. (2) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) or clause (b) of sub-section (1) in the same manner, as he might have dealt with the property if it has not been sold.

**59. Appeal from order under section 55, section 56 or section 57 :-**

Any person claiming to be interested in property seized under section 52 may, within one month from the date of any order passed under section 55, section 56 or section 57, present an appeal therefrom which may be disposed of in the manner provided by section 419, Code of Criminal Procedure.

**60. Property when to vest in 2[State Government]. :-**

When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the [State Government] free from all encumbrances.

**61. Saving of power to release property seized :-**

Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the 4[State Government] from

directing at any time the immediate release of any property seized under section 52. \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs, by Raj. Act No. 27 of 1957.

**62. Punishment for wrongful seizure :-**

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

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

Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code, 1860,- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree is the property of the [State Government] or of some person, or that it may lawfully be cut or removed by some person; or (b) alters, defaces or obliterates any such mark placed on a tree or on timber, by or under the authority of a Forest Officer, or (c) alters, moves, destroys or defaces any boundary mark of any forest or waste land to which the provisions of this Act are applied, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

**64. Power to arrest without warrant :-**

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

**65. Power to release on a bond a person arrested :-**

Any Forest Officer of a rank not inferior to that of an officer-in-charge of a range, who or whose subordinate has arrested any

person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest police station.  
\_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957.

**66. Power to prevent Commission of offence :-**

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

**67. Power to try offences summarily :-**

The District Magistrate or any Magistrate of the first class especially empowered in this behalf by the [State Government] may try summarily under the Code of Criminal Procedure, 1898, any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

**68. Power to compound offences :-**

(1) The 2[State Government] may, by notification in the 3[Official Gazette] empower a Forest Officer (a) to accept from any person against /whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer. (2) On the payment of such sum of money or such value or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any seized shall be released and no further proceedings shall be taken against such person or property. (3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees 4[x x x]  
\_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Omitted by Raj. Act No. 39 of 1958.

**69. Presumption that forest produce belongs to Estate Government] :-**

When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the property of the 2[State Government], such

produce shall be presumed to be the property of the v (StateGovernment) until the contrary is proved.

#### CHAPTER 10

##### Cattle Trespass

### **70. Cattle Trespass Act to apply :-**

Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to public plantation within the meaning of section 11 of the Cattle Trespass Act, 1871, of the Central legislature as adapted to 4[the State of Rajasthan] and may be seized and impounded as such by any Forest Officer or Police Officer.

### **71. Power to alter fines fixed under that Act :-**

The 5[State Government] may, by notification in the [Official Gazette], direct that, in lieu of the fines fixed under the Cattle Trespass Act, 1871, of the Central Legislature as adapted to 7[the State of Rajasthan] there shall be levied for each head of cattle impounded under section 70 of this Act, such fines as it thinks fit, but not exceeding the following, that is to say-- For each elephant (Ten Rupees) For each camel (Two Rupees) For each buffalo, horse, mare, gelding, colt, pony, filly, mule, bull, bullock, cow or heifer (One Rupee) For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid (Eight Annas). \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs, by Raj. Act No. 27 of 1957. 5 Subs, by Raj. Act No. 27 of 1957. 6 Subs, by Raj. Act No. 27 of 1957. 7 Subs, by Raj. Act No. 27 of 1957.

#### CHAPTER 11

##### Of Forest Officers

### **72. Estate Government] invest Forest Officer with certain powers :-**

The 2[State Government] may invest any Forest Officer with all or any of the following powers, that is to say- (a) power to enter upon any land and to survey, demarcate and make a map of the same; (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects; and (c) power to hold an enquiry into forest offence.

### **73. Forest Officers deemed public servants :-**

All Forest Officers shall be deemed to be public servants within the

meaning of the Indian Penal Code, 1860.

**74. Indemnity for acts done in good faith :-**

No suit shall lie against any public servant for anything done by him in good faith under this Act.

**75. Forest Officers not to trade :-**

No Forest Officer shall, as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working any forest whether in or outside 3{the State of Rajasthan}.

CHAPTER 12

Subsidiary Rules

**76. Additional powers to make rules :-**

The 4[State Government] may make rules-- (a) to prescribe and limit the powers and duties of any Forest Officer under this Act; (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act; (c) for the preservation, reproduction and disposal of trees and timber belonging to [the State Government], but grown on lands belonging to or in the occupation of private person; and, (d) generally to carry out the provisions of this Act.

**77. Penalties for breach of rules :-**

Any person contravening any rule under this Act. for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

**78. Rules when to have force of law :-**

All rules made by the 2[State Government] under this Act shall be published in the [Official Gazette} and shall thereupon so far as they are consistent with this Act, have effect as if enacted therein.

\_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs, by Raj. Act No. 27 of 1957.

CHAPTER 13

Miscellaneous

**79. Persons bound to assist Forest Officers and Police Officers. :-**

(I) Every person who exercises any right in a reserved or protected

forest, or who is permitted to take any forest produce from or to cut and remove timber or to pasture cattle in such forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the [State Government] or who receives emoluments from the [State Government] for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer, any information he may possess respecting the commission of, or intention to commit, any forest offence; and shall forthwith take steps, whether so required by any Forest Officer or Police Officer or not-- (a) to extinguish any forest fire in such forest of which he has knowledge or information; (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest; and shall assist any Forest Officer or Police Officer demanding his aid-- (c) in preventing the commission in such forest of any forest offence; and (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender. (2) Any, person who, being bound so to do, without lawful excuse fails-- (a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub section (1); (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest; (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest: or (d) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender: shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

\_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957.

## **80. Management of Forests the joint property of (State Government) and other persons :-**

(1) If the [State Government] and any person be jointly interested in any forest or waste land, or in the whole or any part of the produce thereof, the [State Government] may either-- (a) undertake the management of such forest, waste land or produce accounting to such person for his interest in the same; or (b) issue

such regulations for the management of the forest, waste land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein. (2) When the 4[State Government] undertakes under clause (a) of sub-section (1). the management of any forest, waste land or produce, it may, by notification in the " [Official Gazette] declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste land or produce and thereupon such provisions shall apply accordingly.

**81. Failure to perform service for which a share in produce of B[State Government] forest is enjoyed :-**

If any person be entitled to a share in the produce of any forest which is the property of the 7(State Government) has proprietary rights or to any part of the forest produce of which the 8[State Government] is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the \* [State Government] that such service is no longer so performed: Provided that no such share shall be confiscated until the person entitled thereto, and 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].

**82. Recovery of money due to 10[State Government] :-**

All money, other than fines, payable to the [State Government] under this Act, or any rules made thereunder, or on account of timber or other forest produce, or of expenses incurred in the execution of this Act in respect of timber or other forest produce, or under any contract relating to timber or forest produce, including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation or under the terms of a notice relating to the sale of timber or forest produce by auction or by invitation of tenders, issued by or under the authority of Forest Officer and all compensation awarded to 1 [State Government] under this Act, may, if not paid when due, be recovered under the law for the time being in force, as if it were an arrear of land revenue.

\_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of 1957. 3 Subs, by Raj. Act No. 27 of 1957. 4 Subs, by Raj. Act No. 27 of 1957. 5 Subs, by Raj. Act No. 27 of 1957. 6 Subs, by Raj. Act No. 27 of 1957. 7 Subs, by Raj. Act No. 27 of 1957. 8 Subs, by Raj. Act No. 27 of

1957. 9 Subs, by Raj. Act No. 27 of 1957. 10 Subs, by Raj. Act No. 27 of 1957. 11 Subs, by Raj. Act No. 27 of 1957.

**83. Lien on forest produce for such money :-**

(1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer until such amount has been paid; \_\_\_\_\_ 1 Subs, by Raj. Act No. 27 of 1957. (2) If such amount is not paid when due, the Forest Officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount. (3) The surplus, if any, if not claimed within six months from the date of the sale by the person entitled thereto, shall be forfeited to the 1 [State Government].

**84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Law in force :-**

When ever it appears to the 2[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 the " iRajasthan Land Acquisition Act, 1953 (Raj. Act XXIX of 1953)]. 1 Subs, by Raj. Act No. 27 of 1957. 2 Subs, by Raj. Act No. 27 of ]957. 3 Subs, by Raj. Act No. 27 of 1957.

**85. Recovery of penalties due under bond :-**

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

**86. Power to exempt :-**

The 1 [State Government] may by notification in the 2[Official Gazette] exempt any forest from all or any of the provisions of this Act.

**87. Act not to affect or impair certain rights of Rules :-**

Nothing in this Act shall impair or otherwise affect such shooting,



fishing or other rights of the Rulers of the covenanting States or the members of their families as have been recognised in shikargahs, forests or other local areas by virtue of covenants entered into with the Rulers or documents collateral thereto.

**88. 3[xxx] :-**

**89. 4[xxxi]. :-**

SCHEDULE 1

THE SCHEDULE [Omitted].

1 Subs, by Raj. Act No. 27 of 1957.

2 Subs, by Raj. Act No. 27 of 1957.

3 Omitted by Raj. Act No. 27 of 1957.

4 Omitted by Raj. Act No. 27 of 1957.

5 Omitted by Raj. Act No. 27 of 1957.