THE [1][TAMIL NADU] FOREST ACT, 1882

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[1](TAMIL NADU) ACT No. V OF 1882.

[THE [1](TAMIL NADU) FOREST ACT, 1882] Preamble

(Received the assent of the Governor on the 17th September 1882, and of the Governor-General on the 11th October 1882, and came into force on the 1st January 1883.)

An Act to make provision for the Protection and [4][State of Tamil Nadu]. Short title

WHEREAS it is expedient to make provision for the protections and management of forests in the [4][State of Tamil Nadu]; It is hereby enacted as follows :- Preamble

CHAPTER I

PRELIMINARY

1. This Act may be called the [1](Tamil Nadu) Forest Act, 1882. Local Extent

[1][It extends to the whole of the [1](State of Tamil Nadu)]

Provided that the [2](Government)] may, by notification in the [4][Official Gazette], exempt any place from the operation of the whole or any portion of this Act but not so as to affect anything done, or any offence committed, or any fine or incurred, or any proceedings commenced in such place before such exemption, and may in like Commencement

Chapters VI-A and VI-B to apply to the

1. Substituted by A.O. 1969
2. Substituted by A.O. 1957
3. Substituted by A.O. 1950
4. Inserted by TN Act 40 of 1965

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manner vary or cancel such notification;

transferred territory only.

and it shall come into force on such day as the [2][Government] may by notification in the [3][Official Gazette] direct;

[1][1-A. The provisions of Chapters VI-A and VI-B shall apply only to the transferred territory.]

2. In this Act, and in all rules made hereunder, unless there is something repugnant in the subject or context,-

Interpretation clause

“Government” means the [1][State Government]:

“Government”

“Collector " means the chief executive officer of a district:

Revenue- "Collector."

“Collector”

“Forest-Officer " means any person appointed by name or as holding an office by or under the orders of the Government to be a Conservator, Deputy Conservator, Assistant Conservator, Extra [2][Assistant Conservator], Forest-ranger, Forester, Forest-guard:

“Forest Officer”

or to discharge any function of a Forest-officer under this Act or any rule made hereunder :

“District-Forest-officer " means the chief Forest-officer of a district or of a portion of a district, if in independent charge of such portion:

“District Forest Officer”

" tree " includes stumps, bamboos and brushwood:

“timber” includes trees when they have fallen or have felled, and all wood, whether cut up or fashioned or hallowed out for any purpose or not :

“Tree”

“Timber”

““Scheduled timber” means any timber as specified in Schedule””

“forest produce” includes the following things when found in, or brought from, a forest (that is to say) :-

“forest produce”

minerals (including limestone and surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, Seeds, roots, galls, spices, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey and wax, skins, tusks, bones and horns:

[1][Explanation I- In the transferred territory, " forest-produce” also includes the following things, whether found in, or brought from, a forest or not, that is to say:-

1. Inserted by TN Act 40 of 1965
2. Substituted by A.O. 1957

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timber or trees which are specified to be royalties under section 40-G.

Explanation II – For the purpose of Explanation I, timber does not include any wood that has been wrought or fashioned such as doors, windows, articles of furniture and boxes;]

“forest-offence" means an offense punishable under this Act or any rule made hereunder: “Forest Offence”

“Cattle” includes elephants, camels, buffaloes, horses, mares, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: “Cattle”

"river " includes streams, canals, backwaters],creeks and other channels, natural or artificial: “River”

“land at the disposal of Government " includes all unoccupied land, whether assessed or unassessed; but does not include land, the property of landholders as defined by section 1 of Act VIII of 1865[2], Madras (namely) all person holding under sanad-i-milkiyat-i-istimrar, all other zamindars, shrotriyamdars, jagirdars, inamdars and all persons farming lands from the above persons or farming the land-revenue under Government ; also all holders of land under raiyatwar settlements, or in any way subject to the payment of land-revenue direct to Government, and all other registered holders of land in proprietary right: “Land at the disposal of Government”

[1][Explanation – In the transferred territory, “land at the disposal of Government" also includes all land occupied temporarily and all land occupied without permission, whether assessed or unassessed, but does not include land, the property of jenmies or Devaswoms.]

“Magistrate” means a Magistrate of the first and second class*, and includes a Magistrate of the third class* when he is specially empowered by Government to try forest-offences : “Magistrate”

“imprisonment” means imprisonment of either description as defined in the Indian Penal Code : “Imprisonment”

[3,2]“Scheduled Timber” means any timber as specified in the schedule. “Scheduled Timber”

1. Inserted by TN Act XL of 1965.
2. Amended by TN Act XL of 1965.
3. TN Act 44 of 1979.
4. Substituted by A.O. 1957

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[1]["transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district:] "Transferred territory"

CHAPTER II

RESERVED FORESTS

3. The [2][Government] may constitute any land at the disposal of Government a reserved forest in the manner hereinafter provided. Power to reserve forest

4. Whenever it is proposed to constitute any land a reserved forest the [2][Government] shall publish a notification in the [4][Official Gazette] and in the official Gazette of the district- Notification by the Government

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

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

(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 to any forest-produce of such land, and to deal with the same as provided in this Chapter.

The officer appointed under class (c) of this section shall ordinarily be a person other than a Forest-officer; but & Forest-officer may be appointed by the [2][Government] to attend on behalf of Government at the inquiry prescribed by this Chapter.

5. Except as hereinafter provided, no Civil Court shall, between the dates of the publication of the notification under section 4 and of the notification to be issued under section 16, entertain any suit to establish any right in or over any land, or to the forest-produce of any land, included in the notification published under section 4. Suits barred.

6. When a notification has been issued under section 4, the Forest-settlement-officer shall publish in the official Gazette of the district, and at headquarters of each taluk in which any portion of the land included in such notification is situate, and in every town and village in the neighborhood of such land, a Proclamation by Forest-settlement-officer

1. Inserted by TN Act XL of 1965.
2. Substituted by A.O. 1957

proclamation-

(a) specifying, as nearly as possible, the situation and limits of the land proposed to be included within the reserved forest;

(b) setting forth the substance of the provisions of section 7;

(c) explaining hereinafter provided, will ensure of such forest; and

(d) fixing a period not less than three months from the date of publishing such proclamation in the official Gazette of the district and requiring every person claiming any right referred to 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 and in either case to produce all documents in support thereof.

The Forest-settlement-officer shall also serve 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 recognized 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.

Bar of accrual of forest rights

7. During the interval between the publication of such proclamation and the date fixed by the notification under section 16,

no right shall be acquired in or over the land included in such proclamation, except under a grant or contract in writing made or entered into by, or on behalf of the Government, or by, or on behalf of, some person in whom such right, or power to create the same, was vested when the proclamation was published, or by succession from such person;

and no fresh clearings for cultivation or for any other purpose shall be made on such land.

Prohibition of clearings, etc.

No patta shall, without the previous sanction of the [1][Board of Revenue], be granted on behalf of Government in such land, and every patta granted without such sanction shall be null and void.

Nothing in this section shall be deemed to prohibit any act done

1. Substituted by A.O. 1950 Sec. TN Abolition of Board of Revenue Act 1980.

with the permission in writing of the Forest-settlement-officer.

Inquiry by Forest settlement officer

8. The Forest-settlement-officer shall take down in writing all statements made under section 6, and shall inquire into all claims made under that section, recording the evidence in the manner prescribed by the Code of Civil Procedure[1] in appealable cases.

The Forest-settlement-officer shall at the same time consider and record any objection which the Forest-officer (if any) appointed under soot ion 4 may make to any such claim.

Powers of Forest settlement officer

9. 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 authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers conferred on a Civil Court by the Code of Civil Procedure[1] for compelling the attendance of witnesses and the production of documents.

Claims to rights of occupancy and ownership.

10. In the case of a claim to a right in or over any land other than the following rights:-

(a) a right of way;

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

(c) a right of pasture; or

(d) a right to forest-produce;

Admitted claims

the Forest-settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

i. If such claim is admitted wholly or in part, the Forest-settlement-officer may

(1) come to an agreement with the claimant for the surrender of the right; or (2) exclude the land from the limits of the proposed forests; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870[1].

For the purpose of so acquiring such land-

(i) the Forest-settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870[1];

1. Now Act 1 of 1894.

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

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

(iv) 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 of the Collector of the district, may award compensation by the grant of right in or over land, or by the payment of money, or both.

Rejected claims – Appeals.

ii. If such claim is rejected wholly or in part, Rejected the claimant may, date of the order, prefer an appeal to the District Court in respect of such rejection only: Provided that the [1][Government] may, on just and reasonable cause for the same being shown, extend the period for such appeal within such further period as may seem proper, and an order or endorsement under the signature of one of the Secretaries to Government shall be sufficient authority for the said Court to entertain such specified. If the Court decides that the claim or such part thereof as has been rejected should be admitted, the Forest-settlement-officer shall proceed to deal with it in like manner as if it had been in the first instance admitted by himself.

Claims to rights of way, water-course, pasture, and to forest-produce

iii. When a claim has been admitted in the first instance wholly or in part, a like appeal may be preferred on behalf of Government by the Forest- officer appointed under section 4, or other person generally or specially empowered by the Government in this behalf.

11. In the case of a claim to rights of the kind specified in clauses (a), (b), (c) and (d) of section 10, the Forest-settlement-officer shall pass an order specifying the particulars of such claim as far as may be necessary to define the nature, incidents and extent of the rights claimed, and admitting or rejecting such claim wholly or in part.

When a claim to any such right is admitted, if the right is for the beneficial enjoyment of any land or buildings, he shall record the

1. Substituted by A.O. 1950

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designation, position and area of such land, and the designation and position of such buildings.

Where the right is a right to forest-produce, he shall also record whether the forest-produce obtained by the exercise of such right may be sold or bartered.

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

12. When the Forest-settlement-officer has admitted wholly or in part, and recorded under section 11, a claim to a right of pasture or to forest-produce, he shall, as far as possible, provide for the exercise of such right-

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

(b) by recording an order continuing to the claimant s right of pasture or to forest-produce (as the case may be), subject to such rules as may be prescribed by the [1][Government].

The order passed under clause (b) shall record, as far as practicable, the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the seasons during which, such pasture is permitted; or

the quantity of timber or other forest-produce which the claimant is authorized to take or receive, the local limits within which, the season during which, and the mode in which, the taking of such produce is permitted; and

such other particulars as may be required in order to define the extent of the right which is continued, and the mode in which it may be exercised.

Commutation of such rights.

13. Whenever any right of pasture or to forest-produce admitted under section 11 is not provided for in one of the ways prescribed in section 12, the Forest- settlement-officer shall, subject to such rules as the Government may prescribe in this behalf, commute such right by paying a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of rights in or over land or in such other manner as such officer thinks fit,

Appeals from order passed

14. The claimant, or the Forest-officer appointed under section

1.Substituted by A.O. 1950

4, or any other person generally or specially empowered by the Government in this behalf, may, within sixty days from the date of any order passed by the Forest-settlement-officer under sections 11, 12 and 13, present an appeal from such order. under sections 11, 12 and 13

to a Forest Court constituted as hereinafter provided, or, where no such Court is constituted, to such officer of the Revenue Department of not less than twelve years' standing as the [1][Government] may, from time to time, by notification in the [2][Official Gazette], appoint, by name or as holding un office, to hear appeals from such orders.

In disposing of such appeals the Revenue-officer appointed as aforesaid shall be guided by the provisions of sections 39 and 40 of this Act.

Appeal under section 14

15. Every appeal under section 14 shall be made by petition in writing, and may be delivered to the Forest-settlement-officer, who shall forward it without delay to the appellate authority.

Notification declaring forest reserved

16. When the following events have occurred, namely :-

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-settlement-officer; and

(b) if such claims have been made, the period fixed by sections10 and 14 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate authority; and

(c) all proceedings prescribed by section 10 have been taken, and all lands (if any) to be included in the proposed forest, which the Forest-settlement-officer has, under section 10, elected to acquire under the Land Acquisition Act, 1870[1],1 have become vested in the Act Government under section 16 of that Act;

the [1][Government] may publish a notification in the [2][Official Gazette], specifying the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date to be

1. Substituted by A.O. 1950
2. Substituted by A.O. 1937

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fixed by such notification.

The Forest settlement-officer shall, before the date so fixed, publish such notification in the manner prescribed for the proclamation under section 6.

From the date so fixed, shah forest shall be deemed to be a reserved forest.

Declaration of certain land to be a Reserved Forest.

[1]16-A. The Government may, by notification, declare any land in a janmam estate, vested with the Government under the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969 (Tamil Nadu Act 24 of 1969) and determined as forest under that Act, as reserved forest.

Extinction of rights not claimed

17. Rights in respect of which no claim has been preferred under section 6 shall thereupon be extinguished, notification, the person claiming them has satisfied the Forest-settlement officer that he had sufficient cause for not preferring such claim within the period fixed under section 6; in which case the Forest-settlement-officer shall proceed to dispose of the claim in the manner hereinbefore provided.

Powers of the Government to redefine the limits of reserved forests in certain cases

[2][17-A. (1) Where the description of the limits of lower of the any reserved forest notified under section 16 is defective or is not clear in reference to existing facts, the [2][Government] may, by notification in the [3][Official Gazette], declare their intention to redefine the limits of such reserved forest so as to remove the defeat 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.

(2) On the issue of a notification under sub-section (1), the District-forest-officer shall publish in the Official Gazette of the district concerned and in such other manner as may be prescribed by rules made in that behalf a notice-

(a) specifying the corrections proposed by the notification under sub-section (1); and

(b) stating that any objections which may be made in person or in writing to the District-forest-officer, within a period of thirty

1. Inserted by TN Act 18 of 2019.
2. Inserted by TN Act VII of 1936.
3. Subs. by A.O. 1950.
4. Subs. by A.O. 1937.

days from the date of publication of the notice, will be considered by him.

(3) After the expiry of the period referred to in clause (b) of sub-section (2) and after considering the objections, if any, received by him, the District-forest-officer shall submit to the Government] the record of the proceedings held by him together with a report thereon.

(4) The [1][Government] may, after considering the report of the District-forest-officer, by notification in the [1][Official Gazette] redefine the limits of the reserved forest, as proposed by the notification under sub-section (1), with such modifications as they think fit or without any modifications.

(5) Save as provided in this section, it shall not be necessary to follow the procedure laid down in sections 4 to 16 before issuing a notification under sub-section (4).]

No right acquired over reserved forest except as here provided.

18. No right of any description shall he acquired in or over a reserved forest, except under a grant or contract in writing made by or on behalf of the Government, or by or on behalf of some person in whom such right, or the power to create such right, was vested when the notification under section 16 was published or by succession from such person :

Provided that no patta shall without the previous sanction of the [2][Board of Revenue] be granted on behalf of Government for any land included within a reserved forest, and every patta granted without such sanction shall be null and void.

Rights continued under section 12 not to be alienated without sanction.

19. Notwithstanding anything herein contained, no right continued under section 12 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the sanction of the Government: Provided that, when any such right is continued for the beneficial enjoyment of any land or buildings, it may be sold or otherwise alienated with such land or buildings without such Sanction. Any alienation of such right in contravention of this section shall be null and void.

No forest-produce obtained in exercise of any right. Continued

1. Subs. by A.O. 1950
2. Now abolished by TN Act 1 of 1980.

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under section 19 shall be sold or bartered except to the extent defined by the order recorded under sections 11 and 12.

Any person selling or bartering any forest-produce in contravention of this section shall be punished with fine which may extend to two hundred rupees.

Power to stop ways and water courses in reserved forest.

20. The District-forest-officer may, from time, to time, with the previous sanction of the Government, stop any public or private way or water-course in a reserved forest : Provided that a reasonably convenient substitute for the way or water-course so stopped already exists, or has been provided or constructed in lieu thereof.

Penalties for trespass or damage in reserved forests, and acts prohibited in such forest.

21. Any person who-

(a) makes any fresh clearing prohibited by section 7 ; or

(b) sets fire to a reserved forest, or kindles, or leaves burning, any fire in such manner as to endanger the same;

or who, in a reserved forest,-

(c) kindles, keeps or carries any fire except at such season and in such manner as the District-forest-officer may from time to time notify;

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

(e) fells, girdles, marks, lops, taps, uproots 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, cultivates or breaks up any land for cultivation or any other purpose; or

(h) in contravention of any rules made by the [1][Government] hunts, shoots, fishes, poisons water or sets traps or snares;

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

[1][shall, damage done to the forest as the convicting court may direct to be paid, be punished -

(1) [2]in any case where any of the acts aforesaid relates to any

1. Subs. by TN Act XLV of 1979.
2. Subs by TN Act XXXVI of 1961

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scheduled timber, with imprisonment for a term which may extend to [1][five years] and with fine which may extend to [1][twenty thousand rupees].

Provided that, -

(a) for a first offence, the term such imprisonment shall not be less than [1][two years] and such fine shall not be less than [1][seven thousand five hundred rupees];

(b) for a second or subsequent offence the term of such imprisonment shall not be less than [1][three years] and such fine shall not be less than [1][fifteen thousand rupees].

(2) in any other case, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.]

Acts exempted from prohibition contained in this section.

Nothing in this section shall be deemed to prohibit-

(a) any act done in accordance with any rules made by the Government or with the permission in writing of the District-forest-officer, or of an officer authorized by him to grant such permission ; or

(b) the exercise of any right continued under section 12 or created by grant or contract in the manner described in section 18:

Provided that this section shall not be held to interfere with such working of the forest as may be ordered by the District-forest-officer.

Suspension of rights in reserved forests

22. Whenever fire is caused wilfully or negligently in a reserved forest, the Government may (notwithstanding that a penalty has been inflicted under section 21) 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.

Persons bound to assist Forest officer and Police-officer

23. Every person who exercises any right in a reserved 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 village-officer or person in any village contiguous to such

1. Subs. by TN Act 44 of 1992.

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forest who is employed by the Government;

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-station-house-officer any information he may possess respecting the occurrence of a fire in or near such forest or the commission of, or intention to commit, any forest offence; and shall assist any Forest-officer or Police-officer demanding his aid-

(a) in extinguishing any fire occurring in such forest;

(b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

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

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

Power to declare forest no longer reserved

24. The Government may [1][* * *] by notification in the [2][Official Gazette] direct that, from a date to be fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be reserved.

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.

Forests reserved previous to passing of this Act.

25. The Government may, by notification in the [2][Official Gazette], declare any forest which has been reserved by order of the Government previous to the day on which this Act comes into force to be a reserved forest under this Act:

Provided that if the rights of the Government or of private persons to or over any land or forest-produce in such forest have not been inquired and recorded in a manner which the Government thinks sufficient, the same shall be inquired into, settled and recorded in the manner provided by this Act for reserved forests, before the date on which the notification declaring the forest to be reserved takes effect.

All questions decided, orders issued and records prepared in

1. Omitted by A.O. 1937
2. Subs. by *ibid*.

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connection with the reservation of such forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Act relating to reserved forests shall apply to such forest.

CHAPTER III

PROTECTION OF LAND AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN RESERVED FOREST

Power to make rules

26. Subject to all rights now legally vested in individuals and communities, the Government may for any district or portion of a district make rules to regulate the use of the pasturage or of the natural produce of land at the disposal of Government and not included in a reserved forest. Such rules may, with respect to such land,-

(a) regulate or prohibit the clearing or breaking up of land for cultivation or other purposes;

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

(c) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection and removal of natural produce;

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

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

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

(g) regulate the sale or free grant of timber or other natural produce; and

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

Provided that the Government may exempt any person or class

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of persons from the operation of all or any of such rules.

[1][Omitted]

27. Whenever fire is caused wilfully or negligently in any land to which all or any of the rules made under section 26 have been extended, the [2]Government may, notwithstanding that a penalty has been inflicted under that section, direct that such land be closed against pasture for such period as it thinks fit :

Penalties for acts in contravention of rules.

Provided that an area sufficient in extent and in a locality reasonably convenient is left open for the use of persons having rights of pasture in such land.

28. Whoever pastures cattle or permits cattle to trespass in land closed under section 27 shall be punished with imprisonment for a term which may extend to one month, hundred rupees, or with both.

Power to close land against pasture.

[1]28.A Whoever infringes any rules made under section 26 shall be punished, -

Penalties

(1) in any case where such infringement relates to any scheduled timber, with imprisonment for a term which may extend to [1][five years] and with fine which may extend to [1][twenty thousand rupees] :

Provided that,

(a) for a first offence, the term of such imprisonment shall not be less than one year and such fine shall not be less than [1][seven thousand five hundred rupees] ;

(b) for a second or subsequent offence, the term of such imprisonment shall not be less than [2][three years] and such fine shall not be less than [2][fifteen thousand rupees];

(2) in any other case, with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV

OF THE CONTROL OVER FORESTS AND LANDS NOT AT THE DISPOSAL OF GOVERNMENT OR IN WHICH GOVERNMENT HAS A LIMITED INTEREST

29. The [3][Government] may from time to time, by notification in

On certain lands,

1. Subs by TN Act 45 of 1979
2. Subs by TN Act 44 of 1992
3. Subs by A.O. 1950

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the [1][Official Gazette] and in the official Gazettes of the districts affected thereby, regulate or prohibit in any forest waste-land not at the disposal of Government –

the breaking up or clearing for cultivation, etc., may be regulated or prohibited

(a) the breaking up or clearing of land for cultivation:

(b) the pasturing of cattle;

(c) the firing or clearing of the vegetation; when such regulation or prohibition appears to be necessary for any of the following purposes :-

first, for protection against storms, winds, rolling stones, floods and avalanches;

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

third, for the maintenance of a water-supply in springs, rivers and tanks;

fourth, for the protection of roads, bridges, railways and other lines of communication;

fifth, for the preservation of the public health; and may alter or cancel such notification.

The Government may, for any such purpose, construct at their own expense, in or upon any such forest or land, such works as they think fit:

Provided that no such notification shall be made or work begun until after the issue of a notice to the owner of such forest or land calling upon him to show cause, within a reasonable period to he specified in such notice, why such notification should not be made or work constructed, 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 Government.

In case of refusal by owner, Government

30. Whenever the owner of such forest or land may decline to comply with the regulations or directions contained in the said notification, it shall be incumbent upon the Government, if they

1. Subs by A.O. 1937

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may take such lands on lease or acquire them.

resolve to assume control of the said forest or land, to take the said forest or land, or so much of it as they may see fit, on lease from the owner for such term as they may deem it necessary to retain the same under control, and the owner shall be bound either to conclude such lease with the Government or to require that such forest or land shall be acquired for public purposes, such land and in the latter event the Government shall acquire such forest or land accordingly. If such lease is agreed upon, the amount of annual rent to be reserved, and all other questions arising between the owner or persons claiming to be owners and the Government, shall, in case of dispute, be determined in accordance, so far as may be, with the provisions of the Land Acquisition Act, 1870[1].

Acquisition of forest or land under the Land Acquisition Act

Central Act X of 1870.

31. In any case under this Chapter in which the Government consider that, in lieu of taking the forest or land under its control, the same should be acquired for public purposes, the Government may proceed to acquire it in the manner prescribed by the Land Act Acquisition Act, 1870[1].

Protection of forest at request of owner

Central Act X of 1870.

32. The owner of any land or, if there be more than one owner thereof, the owners of shares therein, whether divided or not, amounting in the aggregate owners, to at least two-thirds thereof, may, with a view to the formation or conservation of forests thereon represent in writing to the Collector their desire –

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

(b) that such land be managed subject to the control of the Collector by a person appointed by themselves and approved by the Collector; or

(c) that all or any of the provisions of this Act or rules made there under be applied to such land.

The Government may in any such case, 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. Now Land Acquisition Act, 1894
2. Subs by A.O. 1937

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Any such notification may be altered or cancelled by a like notification.

Management of forests, the joint property of Government and other persons.

33. If the Government and any person or persons are jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the 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 persons so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

When the Government undertakes, under clause (a) of this section, the management of any forest, waste-land or produce, it may, by notification in the [1][Official Gazette] and in the official Gazette of the district, declare that any of the provisions contained Chapters II and III of this Act shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Persons employed to carry out the Act to be deemed Forest-officers

34. All persons employed under sections 30, 32 and 33 to carry out the provisions of this Act shall be deemed to be Forest-officers within the meaning of this Act.

[2][The [3](Government) shall also have power to appoint any person to discharge any function of a Forest-officer under any of the provisions of this Act which have been extended to any land or to any forest or waste-land or produce thereof by a notification under section 32 or section 33 or under any rule made in pursuance of any provision so extended.]

CHAPTER V.

CONTROL OF TIMBER IN TRANSIT

Power to make rules to regulate transit of timber

35. The [3][Government] may make rules to regulate rules to regulate the transit of all timber or of certain classes of timber transit of timber within local limits as may appear to be necessary. Such rules may (among other matters) –

(a) prescribe the routes by which alone timber may be imported

1. Subs by A.O. 1937
2. Added by TN Act 7 of 1936
3. Subs by A.O. 1950

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into and exported from the [1][State of Tamil Nadu];

(b) prohibit the import and export or moving within defined local limits of timber without a pass from the landholder from whose lands it was brought, or from an officer duly authorized to issue the same or otherwise than in accordance with the conditions of such pass.

(c) prescribe the form of such passes and provide for their issue, production and return;

(d) provide for the stoppage, reporting, examination and marking of timber in transit within defined local limits or at stations established ns hereinafter provided;

(e) establish, or authorize the Collector to establish stations to which such timber shall be taken by those in charge of it for examination or marking; and the conditions under which such timber shall be brought to, stored at, and removed from such station;

(f) provide for the management and control of such stations, and for regulating the appointment and duties of persons employed thereat;

(g) authorize the transport of timber, the property of Government, across any land, and provide for the payment of compensation for any damage done by the transport of such timber;

(h) 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 and leaves into any such river, or any act which may cause such river to be closed or obstructed;

(i) provide for the prevention and 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, or by the sale of any timber, causing such obstruction;

(j) provide for the protection of bridges, locks or other public works, by regulating the floating of timber and the storing of

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timber on river banks and by authorizing the seizure of timber floated or stored in contravention of such rules or by which any damage to such works may have been caused, and the detention and disposal of such timber until compensation has been made for the damage done;

(k) regulate the use of property-marks for timber and the registration of such marks; declare the circumstances in which the registration of any property-marks may be refused or cancelled; 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.

(l) [1][provide for the maintenance of accounts in respect of any scheduled timber stored in private lands, depots, markets or factories, for industrial or commercial purposes.]

Power of Central Government as to movements of timber across frontiers.

35-A. Notwithstanding anything in section 35, the Central Government may make rules to prescribe the imported and exported across any customs frontier as defined by the Central Government and any rules made under section 35 shall have effect subject to the rules made under this section.

Penalties for breach of rules made under section 35 in respect of scheduled timber.

[2][35-B. Whoever infringes any rules, in relation to any scheduled timber, made under section 35 [not being a rule made under clause (a) of that section] shall be punished with imprisonment for a term which may extend to [3][five years] and with fine which may extend to [3][twenty thousand rupees]:

Provided that, -

(a) for a first offence, the term of such imprisonment shall not be less than [3][two years] and such fine shall not be less than [3][seven thousand rupees];

(b) for a second offence or subsequent offence, the term of such imprisonment shall not be less than [3][three years] and such fine shall not be less than [3][fifteen thousand rupees;]

Penalties for breach of rules

36. The [4][Central or, as the case may be, State Government] may, by such rules, prescribe as penalties for the infringement

1. Subs by TN Act 36 of 1961
2. Subs by TN Act 45 of 1979
3. Subs by TN Act 44 of 1992
4. Subs by A.O. 1950

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thereof imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

made under sections 35 and 35-A.

[2][Omitted]

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

[1][CHAPTER V-A.]

POSSESSION OF SANDALWOOD.

Possession of sandalwood under licence

36-A. No person shall have in his possession any quantity of sandalwood in excess of five kilograms, unless under a licence granted by the District Forest Officer in that behalf or unless such sandalwood is affixed by a Forest officer with such mark and in such manner as may be prescribed:

Provided that the District Forest officer may refuse to grant or renew a licence to any applicant or licensee in respect of whom he is satisfied that by reason of his conviction of an this Act or the rules thereunder, or the previous cancellation or suspension of any licence granted thereunder, or the contravention of any of the requirements as to the possession of sandalwood, or for any other reasons which may be prescribed, he is not a fit person to whom a licensee should be granted or renewed under this section. Every such order shall be communicated to the applicant or the licensee, as the case may be, as soon as possible.

Form and conditions of licence

36-B. The Government may make rules to provide for-

(a) the form and manner in which application for licences may be made;

(b) the terms and conditions which may be included in any licence and the fees for the grant of such licence;

(c) the grant of duplicate licence and the renewal licences and fees for the same.

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Power to cancel or suspend licence

36-C. The District Forest officer may cancel or suspend any licence granted under this Chapter if it appears to him, after giving the holder thereof an opportunity of being heard, that the licensee has contravened, or failed to comply with, any of the provisions of this Act or the rules made thereunder or any of the terms or conditions of the licence.

Appeal

36-D. Any person aggrieved by the decision of the District Forest officer refusing to grant or renew or cancelling or suspending a licence Chapter may, within such time as may be prescribed, appeal to the Collector, and the Collector may make such order in the case as he may think fit.

Penalties

36-E.Whoever, in contravention of this Chapter or of any rule made or licence granted thereunder, possesses sandalwood, shall be punished with imprisonment for a term which may extend to [1][five years] and with fine which may extend to [1][twenty thousand rupees]:

Provided that, -

(a) for a first offence, the term of such imprisonment shall not be less than [1][two years] and such fine shall not be less than [1][seven thousand and five hundred rupees];

(b) for a second offence or subsequent offence, the term of such imprisonment shall not be less than [1][three years] and such fine shall not be less than [1][fifteen thousand rupees;]

Rights and sale of sandalwood tree grown on private lands

[2]36-F. (1) Every person who grows sandalwood tree on any patta land held by him as owner, tenant. lessee, mortgagee with possession or otherwise, shall be the owner of such sandalwood tree.

(2) No sandalwood tree grown on any patta land shall be sold or otherwise alienated to any person other than the Government:

Provided that nothing contained in this sub-section shall apply to the sale on alienation of any sandalwood tree at any auction held by the Government.

(3) The Government may make rules for the purpose of.-

(a) prescribing the form and the manner in which application for sale of sandalwood tree to the Government shall be

1. Subs by TN Act 44 of 1992
2. Inserted by TN Act 33 of 2002

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made.

(b) verification of ownership of sandalwood tree on patta land:

(c) extraction and processing of sandalwood tree grown on patta land:

(d) fixation of price of sandalwood tree grown on patta land and payment to he owners of such sandalwood tree.]

CHAPTER VI.

THE FOREST COURT.

Appointment and constitution of the Forest Court

37. Where no revenue-officer has been appointed to hear appeals under section 14, the [1][Government] shall, from time to time, as occasion may arise, appoint a Forest Court to hear such appeals. The Court shall consist of three members, of whom

one shall be the Judge of the Court of any district in which any portion of the land, the rights in or over which are in dispute, is situated, or presiding in jurisdiction of such district,

another shall be the Collector of any such district, or an officer of the Revenue Department of not less than twelve years standing,

and the third member shall be a person specially selected by the [1][Government], not holding an office of profit in the service of the Government.

The Judge appointed to be the President

38. The Judge appointed a member as aforesaid shall be the President of the said Court, and shall make all such orders in the case as may be necessary prior to the hearing of the appeal.

The official members of the Court may be appointed by name or as holding an office.

Hearing of Appeals.

39. For the hearing of appeals, the Forest Court shall fix a day and a convenient place in the neighbourhood of the land regarding which, or regarding rights over which, a dispute exists, and shall give notice thereof to the parties.

All cases before the Forest Court shall be heard and disposed of, so far as may be, in accordance with the provisions of the Code of Civil Procedure:

Provided that if, on the hearing of any such case, any question of law or of usage having the force of law, or the construction of a

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document affecting the merits of the case, shall arise on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties,, draw up a statement of the case, and submit it, with its own opinion, for the opinion of the High Court.

And it shall be the duty of the Forest Court to make such reference to the High Court if the questions involve any principle of general importance or affect the rights of a class.

Court pass order which shall be final.

40. At the conclusion of the inquiry, and after receipt of the order of the light Court (which shall be binding upon the forest Court) upon the reference (if any) prescribed by the preceding section, the Forest Court shall proceed to pass such order in the Case as it may consider just and proper; and the order passed by the said Court or by the majority of the members of the said Court shall be final.

[1][CHAPTER VI-A.]

OF TILE COLLECTION OF DRIFT AND STRANDED TIMBER.

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

40-A. (1) All timber found adrift, beached, stranded or sunk, all timber bearing marks which have not been registered under the rules made under section 35 or on which the marks have been obliterated, altered or defaced by fire or otherwise, and in such areas as the Government may direct, all unmarked timber shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest- officer or other person entitled to collect the same by virtue of any rule made under section 40-F and may be brought to such station as the Forest-officer may from time to time notify as a station for the reception of drift timber.

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

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Notice to claimants of timber collected under section 40-A.

40-B. Public notice shall, from time to time, be given by the Forest-officer of timber collected under section 40-A. A copy of such notice shall also be published in the Official Gazette and in the Official. Gazette of the district. 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.

Procedure on claim preferred to such timber.

40-C.(1) When any such statement is presented as aforesaid, the Forest-officer may, after making to such inquiry as he thinks fit, either reject the claim after recording his reason 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 such person whom he deems entitled thereto, or may refer the claimants to the Civil Court, or 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 four months from the date of such rejection, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation or costs against the Government, or against any Forest- officer, on account of such rejection or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

Disposal of unclaimed timber.

40-D. If no such statement is presented, as afore- said, or if the claimant omits to prefer his claims in the manner and within the period prescribed by the notice issued under section 40-B, 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 specified in section 40-C, the ownership of such timber shall vest in the Government, or when

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such timber has been delivered to another person under section 40-C, in such other person free from all encumbrances not created by him.

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

40-E. 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 40-F.

Power to make rules and prescribe penalties.

40-F. (1) The Government may, from time to time, make rules to regulate the following matters, namely:-

(a) the salving, collection and disposal of all timber mentioned in section 40-A;

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

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

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

(2) The Government may by such rules prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.]

[CHAPTER VI-B.

ROYALTIES

Royalties

40-G. 1) Trees of the following species, that is to say, teak, Blackwood, ebony and sandalwood and also ivory and teeth of elephants, whether grown or found on Government land or private property, are royalties and no trade shall be carried on in them unless they have been duly obtained from Government.

(2) The trees mentioned in sub-section (1) shall not be felled by any person without the permission of the Chief Conservator of Forests or such other officer as may be authorised by him in writing, but the owner of any property on which a teak, Blackwood, ebony or sandalwood may after obtaining the written permission of the Chief

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Conservator of Forests or other officer authorised by him as aforesaid, and on such terms as the Government may determine, fell any such tree for his private use, and when any such tree is removed from such property on account of the Government, the owner shall be entitled to a payment (hereinafter referred to in this Chapter as kudivila) at rates which the Government may from time to time determine.

Exception.-This section shall not apply to trees has been abolished in places where royalty in trees by Proclamations (Travancore), dated the 11th January 1936 and the 25th August 1941.

Notice of proposal to cut and remove royalty trees.

40-H. When it is proposed to cut and remove any royalty trees from private lands by Government agency, notice in the prescribed form shall be given to the registered holder of the land from which the trees are proposed to be cut and removed. Such notice may be sent by registered post to the registered holder of the land and shall also be posted in the village and taluk offices.

Joint mahazar to be prepared before removal of the trees.

40-I. Before any such trees are removed, a joint mahazar shall be prepared in the prescribed form by a Forest-officer not below the rank of a Forester in conjunction with the local village officer and whenever possible in the presence of the registered holder of the land or his authorised agent who shall also attest the
mahazar, Notice as to be removed and when the joint mahazar is proposed to be prepared shall be given to the registered holder of the land. Such notice may be sent by registered post.

Notice calling claims for *kudivila*.

40-J. After the preparation of the joint mahazar referred to in section 40-I, another notice in the prescribed form shall be published by posting in the village and taluk offices and on some conspicuous part of the land from which the trees are cut, calling upon all claimants to prefer their claims to kudivila within ninety days from the date of publication of such notice to the Forest-officer empowered for the purpose and to produce all documents and other evidence in support of their claims.

Inquiry by Forest-Officer

40-K. (1) When a claim has been preferred as required by

section 40-J, the Forest officer empowered in that behalf shall inquire into such claim, recording all statements and the evidence in the manner prescribed by the Code of Civil Procedure, 1908 appealable cases. into claims for *kudivila.*

(2) When no such claim has been preferred as required in section 40-J, the inquiry shall be conducted *ex parte*.

(3) For the purpose of such inquiry, the Forest-officer aforesaid may exercise all the powers of a Civil Court in the trial of suits.

Award to be made after enquiry.

40-L. (1) On the completion of the inquiry by the Forest-officer under section 40-K, he shall make an award under his hand of-

(a) the kudivila which in his opinion shall be allowed, and

(b) the apportionment of the kudivila so allowed among all the persons interested in the land of whose claims there is evidence whether they have appeared before him or not.

(2) The award shall be filed in the office of the Forest-officer and shall be final except as hereinafter provided. Notice of the award shall forthwith be given to all the parties who are interested.

Reference to Court.

40-M. (1) Any party to the inquiry who is aggrieved by the award may, by written application to the Forest-officer making such award, require that the matter be referred to the District Court, within whose jurisdiction the land is situate, whether his objection be to the amount of the kudivila, the person to whom it is payable, or the apportionment of the kudivila, and the Forest-officer shall refer the application to the District Court within sixty days of the date of the application.

(2) The application shall state the grounds on which objection to the award is taken and shall be made within sixty days of the date of the receipt of the notice of the award.

(3) If on account of the complicated nature of the claim or for other reason, the Forest-officer is of opinion that a reference has to be made to the District Court he may himself refer the matter to be decided by the District Court within whose jurisdiction the land is situate.

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Forest officer's statement to Court

40 N. (1) In making the reference, the Forest-officer shall state, for the information of the District Court, in writing under his hand-

(a) the extent and situation of the land, with particulars of the trees cut and removed;

(b) the names of the persons whom he has reason to think are interested in such land;

(c) the amount of *kudivila* ; and

(d) if the objection be as to the amount of *kudivila*, the grounds on which it was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notice served upon, and of the statements in writing made or delivered by, the parties interested and the evidence adduced by them.

Service of Notice

40-O. The District Court shall thereupon cause a notice specifying the day on which the Court shall proceed to determine the objection and directing their appearance before the Court on that day, to be served on the following, namely:-

(a) the applicant,

(b) all persons interested in the inquiry, and

(c) the Government.

Scope of the inquiry.

40-P. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected and every such proceeding shall be taken in open Court.

Form of award by Court.

40-Q. Every award made by the Court shall be in writing, signed by the Judge, and shall specify the amount of the *kudivila* awarded and the respective persons to whom it shall be payable. Against the award made by the District Court, an appeal shall lie to the High Court.

Tendering payment.

40-R. On making an award under section 40-L the Forest-officer shall tender payment of the *kudivila* awarded by him to the persons entitled thereto according to the award, and shall pay it to them, unless they refuse to receive it, dispute as to the title to receive the *kudivila* or as to the apportionment thereof.

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Forest-officer to carry out the Court's awards as his own.

40-S. If the award made by the Forest-officer is reversed or modified either by the District Court or by the High Court, the Forest-officer shall proceed to deal with it in like manner as if it had been in the first instance made by himself.

Bar of claims to *kudivila.*

40-T. No claims to *kudivila* preferred after three years from the date of publication of the notice mentioned in section 40-J shall be admitted by the Forest-officer nor shall any such claims be entertained in a court of law except for references under section 40-M.

Rules to be made by Government.

40-U. The Government may make rules for regulating or prohibiting the felling, lopping, cutting, maiming, or otherwise maltreating of any tree which is a royalty tree or any other tree standing on land temporarily or permanently assigned, the right of the Government over which has been expressly reserved in the deed of grant or assignment of such land.

Punishment for felling, etc., trees which are royalties.

40-V. (1) Whoever –

(a) fells, girdles, lops, marks, mutilates, or damages any tree which is a royalty, in contravention of the rules made by the Government,

(b) fells such trees in places other than those for which he has obtained permission from a Forest-officer or in quantities larger than, or different in kind from, those so permitted, or

(c) is found in possession of such trees, or of any forest-produce which is a royalty without having honestly obtained it, shall, on conviction by a Magistrate, be liable to imprisonment which may extend to six months, or to fine which may extend to five hundred rupees, or to both.

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

Other provisions not affected.

40-W. The provisions of this Chapter shall be in addition to,

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and not in derogation of, the other provisions of this Act.]

CHAPTER VII.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation.

41. [1]When there is reason to believe that a forest-offence has been committed in respect of any timber or forest-produce, such timber or produce, together with all tools, ropes, chains, boats, [2][vehicles] and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Report to Magistrate.

[1]Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been, or is being used for the transport of any scheduled timber in respect of which there is a reason to be believe that a forest offence has been or is being committed require the driver or the other person in charge of such vehicle to stop the vehicle and fast to remind stationery as long as may be reasonably necessary for examination of the contents in the vehicle and instruction of all records relating to the scheduled timber and in possession of such driver or other person in charge of the vehicle or any other person in the vehicle.

Procedure thereupon.

[1]Every officer seizing any property under this section shall place on such property or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or forest-produce with respect to which such offence is believed to have been committed is the property of the [3][Central or State Government] and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, [1][a report of the circumstances to his official superior].

[1](a) Where the offence on account of which the seizure has been made is in respect of the scheduled timber which is the property of the Government or in respect of which the Government have any interest, to the concerned authorized officer under section

1. Amended by TN Act 44 of 1992
2. Subs by TN Act 7 of 36
3. Subs by A.O. 1950

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49A and;

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

Timber, forest-produce, tools, etc., when liable to confiscation.

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

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

[1](2) Notwithstanding anything contained in sub-section (1), the District Forest Officer or any other officer authorised by the Government in that behalf, shall detain, any scheduled timber in respect of which an offence has been committed under this Act, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence till the case is disposed of by the Magistrate and notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no interim order regarding the disposal of such scheduled timber, tools, ropes, chains, boats, vehicles and cattle shall be passed by the Magistrate till the case is disposed of.

Procedure when offender is not known or cannot be found

43. When any person is convicted of a forest-offence, all timber or forest-produce in respect of which such offence has been committed, and all tools, ropes, chains, boats, [2][vehicles] and cattle used in committing such offence, [3][shall be confiscated to the Government.]

44. When the trial of any forest-offence is concluded, any timber or forest-produce in respect of which such offence has been committed shall, if it is the property of [2][the Central or State Government] or has been confiscated, be taken possession of by or under the authority of the District-forest-officer; and in any other case may be disposed of in such manner as the Court may order.

Procedure in regard to perishable property seized under section 41.

45. When the offender is not known or cannot be found, the Magistrate, if he is of opinion that an offence has been committed,[3][subject to section 49-G] may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by or under the authority of the District-forest-officer, or to be made over to any

1. Amended by TN Act 45 of 1979
2. Subs by A.O. 1950
3. Added by TN Act 44 of 1992

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person whom the Magistrate considers to be entitled to the same:

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

The Magistrate shall cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or shall publish such notice in any way which he thinks fit.

Appeal from orders under section 43, 44, 45.

46. [1][(1) Notwithstanding anything herein before contained-

(a) the Magistrate may direct the sale of any property seized under section 41 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 Government treasury, and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures may be necessary for the trial of the accused.

Property when to vest in the State.

(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 had not been sold.]

Saving of power to release property seized.

47. Any person claiming to be interested in property seized under section 41 may, within one month from the date of any order passed under section 43, 44 or 45, present an appeal there from which may be disposed of in the manner provided by section 419, Code of Criminal Procedure[2].

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary marks.

48. When an order for the confiscation of any property has been passed under section 43 or 45, and the period limited by section 47 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when on such an

1. Subs by TN Act 7 of 1936
2. Section 454 of Central Act 2 of 1974

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appeal being presented the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the State free from all encumbrances.

49. Nothing hereinbefore contained shall be deemed to prevent the District-forest-officer from directing at any time the immediate release of any property seized under section 41 and the withdrawal of any charge made in respect of such property.

Confiscation by Forest Officers in certain cases

[1]49-A. (1) Notwithstanding anything contained in the foregoing provision of this Chapter or in any other law for the time being in force, where forest offence is believed to have been communicated in respect of any scheduled timber which is the property of the Government, the officer seizing the property under sub-section (1) of section 41 shall, without any unreasonable delay, produce it together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer not below the rank of an Assistant Conservator of Forests authorised by the Government in this behalf, by notification, in the Tamil Nadu Government Gazette (hereinafter referred to as the authorised officer).

(2) Where the authorised officer himself seizes under sub-section (1) of section 41, any scheduled timber which is the property of the Government or where any such property is produced before the authorised officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.

(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 proceed thereof after deduction of the expenses of any such

auction or other incidental expenses relating thereto shall, where the order of confiscation made under this section is set aside or annulled by an order under section 49-C or section 49-D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

Issue of show cause notice before confiscation under Section 49-A

49-B. (1) No order confiscating any scheduled timber or tools, ropes, chains, boats, vehicles or cattle shall be made under 49-A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate it and considering his objections if any:

Provided that no order confiscating a motor vehicle shall be made after giving notice in writing to the registered owner thereof, if, in the opinion of the authorized officer, it is practicable to do so and considering his objections if any.

(2) Without prejudice to the provisions of sub-section(1) no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 49-A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying timber 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.

Revision

49-C Any Forest Officer not below the rank of Conservator of Forest specially empowered by the Government in this behalf, by notification in the Tamil Nadu Government Gazette may, of his own motion, call for and examine the records of the authorised officer in respect of any order under section 49-A, make such inquiry or cause such inquiry to be made and pass such orders as he deems fit;

Provided that no revision proceeding shall be initiated by such officer under this section against any order passed under section 49-A, if the time for appeal against that order has not expired.

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Provided further that no order prejudicial to any person shall be passed under this section unless such person has been given an opportunity of making his representations.

Appeal

49-D. (1) Any person aggrieved by any order passed under section 49-A or section 49-C may, within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property, to which the order relates, has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 49-C, as the case may be, pass such order as he may think fit, confirming, modifying or annulling the order appealed against.

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

Award of confiscation no bar for infliction

49-E. The award of any confiscation under section 49-C or section 49-D shall not prevent the infliction of any punishment to which the persons affected thereby is liable under this Act.

Property confiscated to vest with Government:

49-F. When an order for confiscation of any property has been passed under section 49-A or section 49-C or section 49-D and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, or if it has been sold under sub-section (3) of section 49-A, the sale proceeds thereof, as the case may be, shall vest in the Government free from all encumbrances.

Bar of Jurisdiction in certain cases

49-G. Whenever any scheduled timber belonging to the Government or any tool, rope, chain, boat vehicle or cattle, used for committing any offence in respect of any timber, is seized under section (1) of section 41, 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;

(a) the authorised officer under section 49-A, or the Forest Officer Specially empowered under section 49-C, or the Sessions Judge hearing an appeal under section 49-D, shall have, and

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(b) 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.

Penalty for counterfeiting or defacing marks

50. 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 tree is the property of the Central or State Government or of some person, or that it may awfully be cut or removed by some person;

(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 any land to which any provisions of this Act apply;

shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Power to arrest without warrant.

51. 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 he will abscond.

[1][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 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

1. Subs by A.O. 1950

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no such person shall be detained in custody beyond the said period without the authority of a Magistrate.]

Punishment for wrongful seizure or arrest.

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

Power to prevent commission of offence.

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

Operation of other laws not barred.

54. Nothing in this Act shall be 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 there under: Provided that no person shall be punished twice for the same offence.

Power to compound offences.

55. (1) Any Forest-officer specially empowered in this behalf may accept, from any person reasonably suspected of having committed any forest-offence other than an offence under section 50 or [1][section 52] a sum of money by way of compensation for the offence which may have been committed, and, where any property has been seized as liable to confiscation, may 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 accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

[2](3) Noting contained in sub-section (1) and (2) shall apply to any offence in respect of -.

(a) any sandalwood, where the weight of such sandalwood involved in such offence is more than one hundred below grams; and

1. Inserted by TN Act 44 of 1992
2. Inserted by TN Act 45 of 1979

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(b) any scheduled timber (other than sandalwood) where the value of such scheduled timber involved in such offence is more than ten thousand rupees;]

Presumption that timber or forest produce belong to the Central or State Government.

56. 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 Central or State Government, such produce shall be presumed to be the property of the Central or State Government until the contrary is proved.

Punishment for habitual offence.

[1][56-A. In respect of any offence relating to any scheduled timber, any person who is found by the Magistrate to be the habitual offender, such person shall be punished with imprisonment for a term which may extend to five years but which shall not be less than two years and with fine which may extend to ten thousand rupees but which shall not be less than three thousand rupees.

Explanation.- For the purpose of this section, "habitual offender" means a person, who before or after the date of publication of the Tamil Nadu Forest (Amendment) Act, 1979 in the *Tamil Nadu Government Gazette* has been sentenced to a substantive term of imprisonment (such sentence not having been set aside in appeal or revision) for not less than three occasions for any offence relating to any scheduled timber, each of the subsequent sentence having been passed in respect of such offence relating to any scheduled timber committed after the passing of the sentence on the previous occasions.

Certain offences to be non-bailable.

56-B. The offence in respect of any scheduled timber shall be non-bailable and the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) with respect to non-bailable offences shall apply to those offences.

Offences under the Act to be cognizable

56-C. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any offence in respect of any scheduled timber shall be deemed to be a cognizable offence within the meaning of that Code.

Presumption as to commission of offence in

56-D. Whenever any person is accused of any offence under this Act in respect of any scheduled timber, it shall be presumed

1. Section 56A – 56E inserted by TN Act 45 of 1979

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until the contrary is proved that such person has committed such offence.

respect of scheduled timber

56-E. (1) The Government may, by notification, add any timber to or omit any timber from, the Schedule.

Power to amend Schedule.

(2) All references made in this Act to the Schedule shall be construed as references to the said Schedule as for the time being amended in exercise of the powers conferred by this section.]

CHAPTER VIII

CATTLE-TRESPASS

57. Cattle trespassing in a reserved forest or on lands on which the grazing of cattle has been prohibited by rules made under section 26, or which has been closed under section 27, shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Cattle trespass Act, 1871 to apply

58. The [1][Government] may, by notification in the [2][Official Gazette], direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied, in all or any of the areas to which this Act applies, for each head of cattle impounded under section 57 of this Act, such fines as [3][they think] fit, but not exceeding the following (that is to say) :-

Power to alter fines fixed by that Act.

	Rs.	A.	P.
For each elephant	10	0	0
For each Buffalo or Camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, calf, or heifer.	1	0	0
For each ass, pig, ram, ewe, sheep, lamb, goat or kid.	0	8	0

CHAPTER IX.

FOREST-OFFICERS.

59. The [1][Government] may invest any Forest-officer by name, or as holding an office, with the following powers (that is to say):-

Government may invest Forest officers

1. Subs by A.O. 1950
2. Subs by A.O. 1937
3. Subs by TN Act 8 of 1923

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(a) the powers of a settlement-officer under the Madras Boundaries Act, No. XXVIII of 1860[1] — with certain powers.

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents:

(c) power to hold inquiries into forest-offences, and in the course of such inquiries to receive and record evidence, and to issue search-warrants which Code of Criminal Procedure;

(d) power to accept compensation for forest-offences under section 55 and may withdraw any powers so conferred.

Any evidence recorded under clause (c) of this section shall be admissible in any subsequent trial before a Magistrate of the alleged offender: Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 333, section 334 or section 335 of the Code of Criminal Procedure.

Forest Officers deemed public servants

60. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Indemnity for acts done in good faith.

61. No suit or criminal prosecution shall against any public servant for anything done or omitted in good faith under this Act.

[2]62. [Omitted]

CHAPTER X.

MISCELLANEOUS.

Additional powers to make rules

63. The [3][Government] may make rules consistent with this Act –

(a) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Act on a Forest-officer shall be exercised or performed;

(b) to regulate the procedure of Forest-settlement-

(c) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act, or from the public treasury;

(d) for the preservation, reproduction and disposal of trees and timber belonging to 1[the Central or State Government], but grown on lands belonging to or in the occupation of

1. Now TN Act 8 of 1923
2. Omitted by A.O. of 1937
3. Subs by A.O. of 1950

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

Rules when to have force of law.

64. All rules made by the [1][Government] under this Act shall be published in the [2][Official Gazette] and in the official Gazette of the districts affected thereby, and shall thereupon have the force of law. Such rules may be cancelled or varied by like notification.

Powers of Government exercisable from time to time.

All powers conferred by this Act on the Government may be exercised from time to time as occasion requires.

Rules to be placed before the Legislature

[3][64-A. Every rule made by the [1][Government] under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or agrees 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.]

Government may delegate powers

65. It shall be lawful for the [1][Government] to delegate any of the powers conferred by sections 19, 20, 22, 27, 58 and 62 to the [4][Board of Revenue], or such other controlling Revenue-authority as the Government may from time to time appoint.

Recovery of money due to Government.

66. All money, other than fines, payable to the Government under this Act, or any rules made thereunder, or on account of timber or forest-produce or of expenses incurred in the execution of this Act in respect of timber or forest-produce [1][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 a District-forest-officer] and all compensation awarded to 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 A.O. 1950
2. Subs by A.O. 1937
3. Inserted by TN Act 36 of 1963
4. As per TN Abolition of Board of Revenue Act, 1980

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Lien on forest-produce for such money.

67. 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, if such amount be not paid when due, such produce may be taken possession of by or under the authority of the District-forest-officer, and may be retained until such amount has been paid, or such Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Power to sell such procedure.

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

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

68. Whenever it appears to the [1][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 Land Acquisition Act, 1870, Section 4[2].

"THE SCHEDULE"

(See section 2 and section 56-E)

Scheduled timber

1) Blackwood;
2) Red sanders;
3) Rosewood;
4) Sandalwood;
5) Silver oak; and
6) Teakwood.

Liability of person unauthorisedly occupying any land in reserved forest, etc., to summary eviction.

[3]68-A. Any person unauthorisedly occupying any land in reserved forest or any land at the disposal of Government may be summarily evicted by an officer of Forest Department not below the rank of Forest Ranger or an officer of the Revenue Department not below the rank of Tahsildar, having jurisdiction over the area in which such land is situated, in such manner as may be prescribed and any crop or other produce raised on such land, shall be liable to forfeiture and any building or other construction erected or anything deposited thereon, shall also be liable to forfeiture. Forfeiture under this section, shall be adjudged by the officer

1. Subs by A.O. 1950
2. The Land Acquisition Act, 1894
3. Subs by TN Act 41 of 1981

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referred to above and any property so forfeited, shall be disposed of in such manner as may be prescribed:

Provided that no eviction or adjudication under this section adversely affecting a person shall be made or adjudged, unless-

(a) such person has been given a notice in such manner as may be prescribed; and

(b) the representation, if any, received in pursuance of such notice has been duly considered by such offer concerned.

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