

RAJASTHAN FOREST ACT, 1953

Rajasthan Act No. 13 of 1953

[31st March, 1953]

An Act to consolidate the law relating to forests the transit of forest produce and the duty leviable on timber and other forest produce.

Be it enacted by the Rajasthan State Legislature as follows:

[Received the assent of the President on 31st of March, 1953, published in the Rajasthan Gazette No. 10 Part. IV A, dated the 18th April, 1953]

Chapter-I

Preliminary

1. Short Title, Extent and Commencement. - (1) This Act may be called the Rajasthan Forest Act, 1953.

(2) It extends to ¹[the whole of Rajasthan] and shall come into force on such *date as the ¹[State Government] may, by notification in ²[Official Gazette], appoint in that behalf.

2. Definitions. - In this Act unless there is anything repugnant in the subject or context: -

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

(2) "Forest Officer" means any person whom the ²[State Government] or my Officer empowered by the ²[State Government] in this behalf may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest Officer;

*Came into force with effect from 1-06-53 vide Notification No. F. 34(44) Rev.II/53, dated 25-5-53, published in Extraordinary issue of Rajasthan Gazette No. 36, dated 30-05-53

1. Substituted by item No. 23 of Schedule of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, part IV-A, Extraordinary, dated 13-08-1957

2. Substituted by section 4 –ibid.

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

¹
[(4) "Forest Produce" includes-

(a) the following whether found in, or brought from a forest or not, that it to say: -

Timber, charcoal, caoutchouc, catechu, wood oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds and myrabolans, and

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

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

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants;

(iii) wild animals and skim, tasks, horns, bones, silk, cocoons, honey and wax and other parts of produce of animals, and

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

(5) ²[xxx]

(6) "Owner" includes the Court of Wards in respect of property under the Superintendence or charge of such Court;

(7) "River" includes any stream, canal, creek or other channels natural or artificial;

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

(9) "Trees" includes palms, ³[xxx], stumps, brushwood and canes.

1. Substituted by section 2 of Rajasthan at no. 22 of 1956, published in the Rajasthan Gazette, part IV A, Extra ordinary, dated 16.07.1956

2. Omitted by item no. 23 of the schedule of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette part IV A, Extra ordinary, dated 13-08-1957.

3. Omitted by Rajasthan Act No. 17 of 2018

CHAPTER II

Of Reserved Forests.

3. Power to reserve forest. - The ¹[State Government] may constitute any forest land or waste land, which is the property of ¹[State Government], or over which the ¹[State Government] has proprietary rights or to the whole or any part of the forest produce of which the ¹[State Government] is entitled a reserved forest in the manner hereinafter provided.

4. Notification by ¹[State Government]. - (1) Whenever it has been decided to constitute any land a reserved forest, the ¹[State Government] shall issue a Notification in the ¹[Official Gazette]-

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

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

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

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

(2) The officer appointed under clause (c) of subsection (1) shall ordinarily be a person not holding any forest office except that of Forest Settlement Officer.

(3) Nothing in this Section shall prevent the ¹[State Government] from appointing any number of Officer not exceeding three, not more than one of whom shall be a person holding any forest office except as aforesaid, to perform the duties of a Forest Settlement Officer under this Act.

5. Bar of accrual of forest rights.- After the issue of a notification under Section 4, no right shall be acquired in or over the land comprised in such notification, except, by succession or under a grant or contract in writing made or entered into by or on behalf of the ¹[State Government]; or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the ¹[State Government] in this behalf.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

6. Proclamation by Forest Settlement Officer. - When a notification has been issued under Section 4, the Forest Settlement Officer shall publish in Hindi in writing as well as by beat of drum in every town and village in the neighbourhood of the land comprised therein, a proclamation,

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

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

(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in Section 4 or Section 5 within such period either to present to the Forest Settlement Officer a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement Officer. - The Forest Settlement Officer shall take down in writing all statements made under Section 6, and shall at some convenient place inquire into all claims duly preferred under that Section, and the existence of any rights mentioned in Section 4 or Section 5 and not claimed under Section 6 so far as the same may be ascertainable from the records, of ¹[State Government] and the evidence of any person likely to be acquainted with the same.

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

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

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

9. Extinction of rights. - Rights in respect of which no claim has been preferred under Section 6 and of the existence of which no knowledge has been acquired by inquiry under Section 7, shall be extinguished, unless, before the notification under Section 20 is published, the person claiming them satisfies this Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under Section 6.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

10. Treatment of claims relating to practice of shifting cultivation. - (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement Officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated and submit the statement to the¹[State Government], together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion the ¹[State Government] may make an order permitting or prohibiting the practice wholly or in part.

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

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

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

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the ¹[State Government].

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the¹[State Government].

11. Power to acquire land over which right is claimed. - (1) In the case of a claim to a right in or over any land other than following right: -

(a) a right of way;

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

(c) a right of pasture, or

(d) a right to forest produce,

The Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part,

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

(2) If such claim is admitted in whole or in part the Forest Settlement Officer shall either- (i) exclude such land from the limits of the proposed forest, or

(ii) come to an agreement with the owner thereof or the surrender of his rights, or

(iii) proceed to acquire such land in the manner provided by law for the time being in force relating to compulsory acquisition of land.

(3) For the purpose of so acquiring such land: -

(a) the Forest Settlement Officer shall be deemed to be a Collector proceeding under such law.

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance, of a notice given under that law,

(c) the provisions of that law shall be deemed to have been complied with, and

(d) the Collector with the consent of the claimant, or the Court with the consent of both parties, may award compensation in land, or partly in land and partly in money.

12. Claims to rights of way, water-course, pasture, and to forest produce. - In the case a claim to rights of the kind specified in clauses (a), (b) to (c) and (d) of Section 11, the Settlement Officer shall pass an order admitting or rejecting the same in whole or in part.

13. Record to be made by Forest Settlement Officer. - The Forest Settlement Officer, when passing any Order under Section 12, shall record, so far as may be practicable-

(a) the name, father's name, residence and occupation of the person claiming the right, and

(b) The designation, position and area of all fields or groups of fields (if any) and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

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

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

(2) For this purpose the Forest Settlement Officer may-

(a) Set out some other forest tract of sufficient extent, and in a locality reasonably convenient for the purposes of such claimant and record an order conferring upon thorn a right of pasture or to forest produce, as the, case may be, to the extent so admitted; or

(b) so all or the limits of the proposed forest as to exclude forest land of sufficient extent and in a locality reasonably convenient, for the purpose of the claimants; or

(c) record an order, continuing to such claimants a right of pasture or to forest produce, as the case may be to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules as may be made in this behalf by the¹[State Government].

16. Commutation of rights.- In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted he shall subject to such rules as the¹[State Government] may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

17. Appeal from order passed under Section 11, Section 12, Section 15 or Section 16.- Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the¹[State Government] in this behalf may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under Section 11, Section 12, Section 15, or Section 16 present an appeal from such order to such Officer of the Revenue Department of rank not lower than that of a Collector, as the¹[State Government] may, by notification in the¹[Official Gazette] appoint to hear appeals from such orders:

Provided that the¹[State Government] may establish a Court hereinafter called the Forest Court composed of three persons to be appointed by the¹[State Government] and, when the Forest Court has been established, all such appeals shall be presented to it.

18. Appeal under Section 17.- (1) Every appeal under Section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the authority competent to hear the same.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

(2) If the appeal be to an Officer appointed under Section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighborhood of the proposed forest for hearing the appeal and shall give notice thereof to the parties and shall hear such appeal accordingly.

(4) the order passed on the appeal by such Officer or Court or by the majority of the members of such Court as the case may be shall, subject only to revision by the ¹[State Government], be final.

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

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

(a) the period fixed under Section 6 for preferring claims has elapsed, and all claims, if any, made under that Section or Section 9 have been disposed of by the Forest Settlement Officer,

(b) if any such claims have been made, the period limited by Section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the Appellate Officer or Court, and

(c) all lands (if any) to be included in the proposed Forest, which the Forest Settlement Officer has, under Section 11, elected to acquire under the law for the time being in force, relating to compulsory acquisition of land, have become vested in the ¹[State Government] under such law,

The ¹[State Government] shall publish a notification in the ¹[Official Gazette] specifying definitely, according to boundary marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

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

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

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

22. Power to revise arrangements made under Section 15 or Section 18.²[(1)] The¹[State Government] may, within five years from the publication of any notification under Section 20, revise any arrangement made under Section 15 or Section 18, and may for this purpose rescind or modify any order made under Section 15 or Section 18, and direct that any one of the proceedings specified in Section 15 be taken in lieu of any other of such proceedings, or that the right admitted under Section 12 be commuted under Section 16.

Provided that no such arrangement shall be rescinded or modified unless previous motion has been given to the person or persons likely to be affected by such revision and they have been heard.

³[(2) The State Government may, by notification in the official Gazette, delegate all or any of its powers under this Section to the Board of Revenue or to any other authority named in such notification.]

23. No right acquired over reserved forest, except as here provided. - No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the¹[State Government] or some person in whom such right was vested when the notification under Section 20 was issued.

24. Rights not to be alienated without sanction. - (1) Notwithstanding anything contained in Section 23 no right continued under clause (c) of sub-Section (2) of Section 15 shall be alienated by way of grant, sale lease, mortgage or otherwise without the sanction of the¹[State Government]:

Provided that when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under Section 14.

25. Power to stop ways and water courses in reserved forests. - The Forest Officer may with the previous sanction of the¹[State Government] or any other duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest; provided that a substitute for the way or water-course so stopped which the¹[State Government] deems to be reasonably convenient, already exists or has been provided or constructed by the Forest Officer

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

2. Renumbered by section 2 of Rajasthan Act No. 34 of 1961, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 14.11.1961.

3. Inserted-ibid

in lieu thereof.

26. Acts prohibited in such forests. –¹[(1) Any person who, in a reserved forest-

- (a) trespasses, or pastures cattle, or permits cattle to trespass;
- (b) causes any damage by negligence in felling, uprooting, converting any tree or cutting or dragging any timber; or
- (c) fells, uproots, girdles, lops, taps, or burns any tree, or part thereof, or strips off the bark or leaves from, or otherwise damages, the same;

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid.

(1-A) Any person who-

- (a) makes and fresh clearing prohibited by section 5; or
- (b) sets fire to a reserved forest, or in contravention of any rules made by the State Government in this behalf, kindles any fire or leaves any fire burning in such manner, as to endanger such a forest, or

who, in a reserved forest, -

- (c) kindles, keeps or carries any fire except at such seasons, as the Forest Officer may notify in this behalf;
- (d) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce;
- (e) clears or breaks up any land for cultivation or any other purpose;
- (f) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or
- (g) indulges in any act detrimental to the very existence of the forest.

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to twenty-five thousand rupees or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid.]

1. Substituted by Notification No. F 2 (11) Vidhi / 2 / 2014 [Act No. 8 of 2014] (w.e.f. 04.03.2014)

(2) Nothing in this section shall be deemed to prohibit: -

(a) any act done by permission in writing of the Forest Officer, or under any rule made by the ²[State Government]; or

(b) the exercise of any right continued under clause (c) of sub-Section (2) of Section 15 or created by grant or contract in writing made by or on behalf of the ²[State Government] under Section 23.

(3) Whenever fire is caused willfully or by gross in a reserved forest, the ²[State Government] may (Notwithstanding that any penalty has been inflicted under this section) direct in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit, but no such order shall be passed without affording the persons concerned an opportunity to represent their case.

¹**[26-A Power to make rules. -**

(1) The ²[State Government] may make rules to regulate the following matters in respect of reserved forests, namely: -

(a) the making of fresh clearings for cultivation or for any other purpose;

(b) the continuance of the practice of shifting cultivation;

(c) the grazing of cattle or the carrying of forest produce by persons who so claim to the right of pasture or right to forest produce or right of way or water course is admitted under Section 12.

(d) the kindling, keeping or carrying of fire;

(e) the felling, uprooting, tapping, girdling sawing conversion and removal of trees and timber and, the collection, manufacture and removal of forest produce, from such forests;

(f) the examination of forest produce passing out of such forests;

(g) the protection from fire of timber, charcoal or other produce lying in such forests and of trees; (h) the cutting of grass and pasturing of cattle in such forests;

1. Inserted by section 4 of Rajasthan Act No. 22 of 1956, published in Rajasthan Gazette, Part IV A, Extraordinary dated 16.07.1956.

2. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

(i) hunting, shooting, fishing, poisoning water and setting trap or snares in such forests;

(j) generally for carrying out the purposes of the Act.

(2) The ¹[State Government] may prescribe as penalties for the contravention of any rules made under this Section, imprisonment for a term which may extend, to six months, or fine which may extend to five hundred rupees or both.]

27. Power to declare forest no longer reserved. - (1) The ¹[State Government], may, by notification in the ¹[Official Gazette], direct that, from a date fixed by such notification any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

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

CHAPTER III

Of Village forests

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

(2) The ¹[State Government] may make rules for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made, may be provided with timber or other forest produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to the village forests.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57

CHAPTER IV

Of Protected Forests

29. Protected Forests. - (1) The ¹[State Government] may, by notification in the Rajasthan Gazette, declare the provisions of this chapter applicable to any forest land or waste land which is not included in a reserved forest, but which is the property of [State Government], or over which the ¹[State Government] has proprietary rights, or to the whole or any part of the forest produce of which the ¹[State Government] is entitled.

(2) The forest land and waste land comprised in any such notification shall be called a "Protected Forest".

(3) No such notification shall be made unless the nature and extent of the rights of [State Government] and of private persons in or over the forest land or waste land comprised therein have been inquired into and recorded at a survey or settlement or in such other manner as the ¹[State Government] thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest land or waste land, the [State Government] thinks that such inquiry and record are necessary but that they will occupy such length of time as in the meantime to endanger the rights of ¹[State Government]. ¹[State Government] may pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individual or communities.

²[(4) The State Government may, by notification in the Official Gazette, direct that from a date fixed by such notification, any forest or any portion thereof declared as a protected forest by a notification issued under subsection (1) shall cease to be a protected forest.

(5) From the date so fixed under sub-section (4), such forest or portion thereof shall cease to be a protected forest, but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.]

30. Power to issue notification reserving trees etc.- The ¹[State Government] may by notification in the ¹[Official Gazette] –

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

2. Inserted by section 2 of Rajasthan Act No. 19 of 1959, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 25.5.1959.

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification.

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the ¹[State Government] thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or

(c) prohibit from a date fixed as aforesaid, the quarrying of stone or the burning of lime or charcoal or the collection or subjection to any manufacturing process, or removal of any forest produce in any such forest and the breaking up or clearing for cultivation for building, for herding cattle or for any other purpose, of any land in any such forest.

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

32. Power to make rules for protected forest. - ¹[State Government] may make rules to regulate the following matters, namely: -

(a) the cutting, sawing, conversion and removal of trees and timber and the collection, manufacture and removal of forest produce, from protected forests;

(b) the granting of licenses to the inhabitants of towns & villages in the vicinity of protected forests to take trees, timber or other forest produce for their own use, and the production and return of such licenses by such persons;

(c) the granting of licenses to persons felling or removing trees or timber or other forest produce from such forests for the purposes of trade, and the productions and return of such licenses by such persons;

(d) the payment, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees or to collect and remove such timber or other forest produce;

(e) the other payments, if any to be made by them in respect of such trees, timber and produce, and the place where such payment shall be made;

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

- (f) the examination of forest produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under Section 30;
- (i) the cutting of grass and pasturing of cattle in such forest;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests;
- (k) the protection and management of any portion of a forest closed under Section 30;
- and (l) the exercise of rights referred to in Section 29.

33. Penalties for acts in contravention of notification under Section 30 or Rules under

Section 32. –¹[(1) Any person who-

- (a) fells, girdles, lops, taps or burns any tree reserved under Section 30, or strips off the bark or leaves from, or otherwise damages, any such tree; or
- (b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
- or (c) permits cattle to damage any such tree,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

(1-A) Any person who-

- (a) contrary to any prohibition under Section 30, quarries any stone, or burns any lime or charcoal or collects, subjects to any manufacturing process, or removes any forest produce; or
- (b) contrary to the prohibition under Section 30, breaks up or clears for cultivation or any other purpose, any land in protected forest; or
- (c) sets fire to such forest or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under Section 30, whether standing, fallen or felled or to any closed portion of such forest; or
- (d) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;
- or

1. Substituted by Notification No. F 2 (11) Vidhi / 2 / 2014 [Act No. 8 of 2014] (w.e.f.04.03.2014)

(e) infringes any rule made under Section 32,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty-five thousand rupees or with both.]

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the ²[State Government] may (Notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof, the exercise of any right of pasture or to forest producer shall be suspended for such period as it thinks fit, but no such order shall be passed without affording the persons concerned an opportunity to represent their case.

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

CHAPTER V

Of the control over Forest and Lands not being the property of ²[State Government]

35. Protection of forest for special purposes. - (1) The ²[State Government] may, by notification in the ²[Official Gazette] regulates or prohibit in any forest or waste land: -

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

(b) the pasturing of cattle: or

(c) the firing or clearing of the vegetation;

¹[(d) the unregulated felling of trees;]

when such regulation or prohibition appears necessary for any of the following purposes: -

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

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

1. Inserted by clause (a) of sub-section (1) of section 5 of Rajasthan Act No. 22 of 1956, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 16.7.1956.

2. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

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

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

communication: (v) for the preservation of the public health;

¹[(vi) for the prevention of denudation of forest.]

(2) The ³[State Government] may, for any such purpose, construct at its own expense, in or upon any forest or waste land, such work, as it thinks fit.

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

36. Power to assume management of forest. - (1) In case of neglect of or willful disobedience to any regulation or prohibition under Section 35, or if the purpose of any work to be construed under that section so require, the ³[State Government] may after notice in writing to the owner of such forest or after considering his objections, if any, place the same under the control of a Forest Officer and may declare that all or any of the provisions of this Act relating, to reserved forests shall apply to such forest or land.

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

37. Expropriation of forests in certain cases. - (1) In any case under this chapter in which the ³[State Government] considers that in lieu of placing the forest or land under the control of a Forest Officer, the same should be acquired for public purposes, the ³[State Government] may proceed to acquire it in the manner provided by the ⁴[Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953)].

1. Inserted by clause (b) of sub-section 2 of section 5 of Rajasthan Act No. 22 of 1956, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 16.7.1956.

2. Inserted by sub-section 2 of section 5 of Rajasthan Act No. 22 of 1956, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 16.7.1956.

3. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

4. Substituted by item No. 23 of the schedule-ibid.

(2) The owner of any forest or land comprised in any notification under Section 35, may at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes and the ¹[State Government] shall acquire such forest or land accordingly.

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

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

(b) that all or any of the provisions of this Act be applied to such lands;

(2) In either case, the ¹[State Government] may, by notification in the ¹[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.

CHAPTER VI

Of the Duty on Timber and other forest produce

39. Power to impose duty on timber and other forest produce. - (1) The ¹[State Government] may levy a duty in such manner at such places and at such rates as it may declare by notification in the ¹[Official Gazette] on all timber, or certain classes of timber or other forest produce which is produced in Rajasthan and in respect of which the ¹[State Government] has any right.

(2) In every case in which such duty is directed to be levied ad valorem, the ¹[State Government] may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest produce which at the time when this Act comes into force in any territory, are levied therein under the authority of the ¹[State Government], shall be deemed to be and to have been duly levied under the provisions of this Act.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

40. Duty not to affect purchase money or royalty. - Nothing in this chapter shall be deemed to affect the amount, if any, chargeable as purchase money or royalty on any timber or other forest produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

Of the Control of Timber and other forest produce in transit

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

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

(a) prescribe the routes by which alone timber or other specified forest produce may be imported, exported or moved into, from or within ¹[State of Rajasthan];

(b) prohibit the import or export or moving of such timber or other produce within defined local limits, without a pass from an officer duly authorised to issue the same or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes and for the payment of fees therefore;

(d) provided for the stoppage, reporting, examination and marking of timber or other forest produce in respect of which there is reason to believe that any money is payable to the ¹[State Government] on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark;

(e) provided for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

(f) prohibit the closing up or obstructing of the channel banks of any river used for the transit of timber or other forest produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

(g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

(h) prohibit absolutely or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing or any marks on the same or the possession or carrying of marking hammers or other implements used for marking timber;

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

42. Penalty for breach of rules made under Section 41.-²[(1) Any person who contravenes the provisions of the rules made under section 41 of this Act shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to twenty-five thousand or with both.

(2) In case where the offence under sub-section (1) is committed after sunset and before sunrise or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence, the penalties shall be double of those mentioned in sub section (1)]

43. ¹[State Government] and Forest Officers not liable for damage to Forest produce at depots.- The ¹[State Government] shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot established under a rule made under Section 41, or while detained elsewhere for the purposes of this Act and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57.

2. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f.10.04.2013)

44. All persons bound to aid in case of accident at Depot. - In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the ¹[State Government] or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

Of the Collection of Drift and Stranded Timber

45. Certain kinds of timber to be deemed property of the ¹[State Government] until title thereto proved and may be collected accordingly. - (1) All timber found adrift beached, stranded or sunk;

All wood or timber bearing marks which have not been registered in accordance with rules made under Section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas the ¹[State Government] directs, all unmarked wood and timber, shall be deemed to be the property of ¹[State Government], unless and until any person established his right and title there to, as provided in this chapter.

(2) Such wood and timber may be collected by any or other person entitled to collect the same by virtue of any rule made under Section 51, and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

(3) The ¹[State Government] may, by notification in the ¹[Official Gazette], exempt any class of wood or timber from the provisions of this section.

46. Notice to claimants of drift timber. - Public notice shall from time to time be given by the Forest Officer of timber collected under Section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

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

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, 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 three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the ¹[State Government] or against any Forest Officer, on account of such rejection, or the detention or removal of any timber or the delivery thereof to any other person under this section.

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

48. Disposal of unclaimed timber. - If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under Section 46, or on such claim having been so preferred by him and having, been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by Section 47, the ownership of such timber shall vest in the ¹[State Government] or when such timber has been delivered to another person under Section 47 in such other person free from all encumbrances not created by him.

49. ¹[State Government] and its officers not liable for damage to such timber. - The ¹[State Government] shall not be responsible for any loss or damage which may occur in respect of any timber collected under Section 45, and no Forest Officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

50. Payments to be made by claimant before timber is delivered to him. - No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the or other person entitled to receive it, such sum on account thereof as may be due under any rule made under Section 51.

51. Power to make rules and prescribe penalties. - (1) The ¹[State Government] may make rules to regulate the following matter, namely: -

(a) the salving, collecting disposal of all timber mentioned in Section 45;

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

timber; _____

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

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

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

(2) The ¹[State Government] may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to ²[twenty five thousand rupees] or both.

CHAPTER IX

Penalties and Procedure

³**52. Seizure of property liable to confiscation and procedure therefore:** - (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing any such offence, may be seized by any Forest Officer or a Police Officer not below the rank of a head constable.

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

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57

2. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f.10.04.2013)

3. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f 10.04.2013)

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

(3) Subject to sub-section (5), where the authorised officer upon production before, him of property seized or upon receipt of report about seizure, as the case may be, is satisfied that a forest offence has been committed in respect thereof, he may by order in writing and for reasons to be recorded, confiscate forest-produce so seized together with all machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing such offence. A copy of order of confiscation shall be forwarded without any undue delay to the Chief Conservator of Forests of the region in which the forest produce has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer-

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

- (b) issues a notice in writing to the person from whom the property is seized, and to any other person who may appear to the authorised officer to have some interest in such property;

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

- (d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose. (5) No order of confiscation under sub-section (3) of any machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article (other than timber or forest produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article were used without his knowledge or connivance or as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against use of objects aforesaid for commission of forest offence.]

¹
[52A. Appeal against order of confiscation - (1) Any person aggrieved by an order of confiscation may, within thirty days of the order, or if fact of such order has not been communicated to him, within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee and payable in such form as may be prescribed and by certified copy of order of confiscation, to the Chief Conservator of Forests (hereinafter in this Chapter referred to as the Appellate Authority) of the forest region in which the forest produce has been seized.

Explanation. - The time requisite for obtaining certified copy of order of confiscation shall be excluded while computing the period of thirty days referred to in this sub-section.

(2) The Appellate Authority shall, on presentation of memorandum of appeal, issue a notice for hearing of appeal to the officer effecting seizure and to the appellant, and may send for record of the case.

(3) The Appellate Authority may pass such orders of “interim” nature for custody, preservation or disposal (if necessary) of the subject matter of confiscation, as may appear to be just or proper in the circumstances of the case.

(4) The Appellate Authority, having regard to the nature of the case or the complexities involved, may permit parties to the appeal to be represented by their respective legal practitioners.

(5) On the date fixed for hearing of the appeal or on such date to which the hearing may be adjourned, the Appellate Authority shall peruse the record and hear the parties to the appeal if present in person or through any agent duly authorised in writing or through a legal practitioner and shall thereafter proceed to pass an order of confirmation, reversal or modification of order of confiscation:

Provided that before passing any final order the Appellate Authority may, if it is considered necessary for proper decision of- appeal, make further inquiry itself or cause it to be made by the authorised officer, and may also allow parties to file affidavits for asserting or refuting any fact that may arise for consideration and may allow proof of facts by affidavits.

(6) The Appellate Authority may also pass such orders of consequential nature, as it may deem necessary.

(7) Copy of final order, or of order of consequential nature, shall be sent to the authorised officer for compliance or for passing any other appropriate order in conformity with the order of Appellate Authority.

1. Inserted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

52B. Revision before Court of Sessions against order of Appellate Authority. - (1) Any party to the appeal, aggrieved by final order or by order of consequential nature passed by the Appellate Authority, may within thirty days of the order sought to be impugned, submit a petition for revision to the Court of Sessions within the Sessions division whereof the headquarters of the Appellate Authority are siting.

Explanation. - In computing the period of thirty days under this sub-section, the time requisite for obtaining certified copy of order of Appellate Authority shall be excluded.

(2) The Court of Sessions may confirm, reverse or modify any final order or an order of consequential nature passed by the Appellate Authority.

(3) Copies of the order passed in revision shall be sent to the Appellate Authority and to the authorised officer for compliance or for passing such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the order of the Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52C. Bar to jurisdiction of Court, etc. under certain circumstances. - (1) On receipt of intimation under sub-section (4) of Section 52 about initiation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property, which is subject matter of confiscation, has been made, no court, tribunal or authority (other than the authorised officer, the Appellate Authority and the Court of Sessions referred to in Secs. 52, 52-A and 52-B), shall have jurisdiction to make orders with regard to possession, delivery, disposal, or distribution of the property in regard to which proceedings for confiscation are initiated under Section 52, notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force.

Explanation. - Where under any law for the time being in force, two or more Courts have jurisdiction to try forest offence, then receipt of intimation under sub-section (4) of Section 52 by one of the Courts of Magistrates having such jurisdiction shall be construed to be receipt of intimation under that provision by all the Courts and the bar to exercise jurisdiction shall operate on all such Courts.

(2) Nothing in sub-Section (1) shall affect the power saved under Section 61.]

.53. Power to release property seized under Section 52: -²[Any forest officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing any forest offence, shall, subject to the provisions of Sec. 52 may release the same on the execution by the owner thereof of a bond for the production of the property so released, when and where required to produce the same.]

54.¹[Subsequent procedure. - (1) When a report is made by any officer under sub-Section (2) of Section 52 to his official superior, such official superior shall, with all convenient despatch, make a report of the seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(2) The Magistrate shall, upon receipt of a report under sub-Section (2) of Section 52 or under sub-Section (1) of this section, take such measures including arrest as may be necessary for the attendance and trial of the offence and the disposal according to law of the property seized.]

³[Provided that before passing any order for disposal of property, the Magistrate shall satisfy himself that no intimation under sub-section (4) of section 52 has been received by his Court or by any other Court having jurisdiction to try the offence on account of which the seizure of property has been made.]

55. Forest Produce, tools, etc., when liable to confiscation. -⁴[(1) All timber or forest produce which is not the property of State [State Government] and in respect of which a forest offence has been committed, and all machinery, arms, tools, boats, cattle, vehicle, ropes, chains or any other article used in committing any forest offence, shall, subject to the provisions of Sections 52, 52-A, 52-B and 52-C be liable to confiscation upon conviction of the offender for such forest offence.]

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

1. Substituted by section 4 of Rajasthan Act No. 39 of 1958, published in Rajasthan Gazette, Part IV A , Extraordinary, dated 1.12.1958

2. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f 10.04.2013)

3. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

4. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

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

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

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

58. Procedure as to perishable property seized under Section 52.- (1) Notwithstanding anything hereinbefore contained.

(a) the Magistrate may direct the sale of any property seized under Section 59, which is subject to speedy and natural decay; and

(b) if, in the opinion of the Officer setting 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 sales proceeds into the nearest ¹[State Government] Treasury and make a report of such seizure sale and remittance to the Magistrate and thereupon the Magistrate shall take such measure as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property hold under clause (a) or clause (b) of sub-suction (1) in the same manner as he might have dealt with the property if it had not been sold.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

59. Appeal from order under Section 55, Section 56 or Section 57.- Any person claiming to be interested in property seized under Section 52 may within one month from the date of any order passed under Section 55, Section 50 or Section 57 present an appeal there from which may be disposed of in the manner provided by Section 419, Code of Criminal Procedure.

60. Property when to vest in [State [State Government]]. -²[(1) Property ordered to be confiscated by an authorised officer under Section 52 shall, subject to the orders passed in appeal under Section 52-A or in revision under Section 52-B, vest in the State [State Government] free from all encumbrances upon the conclusion of the proceedings under Section 52-B:

Provided that such vesting shall take effect-

(i) where no appeal is preferred under Section 52-A, on the expiry of the period specified for preferring appeal under Section 52-A; and

(ii) where final order is passed by the Appellate Authority under Section 52-A but no revision is preferred under Section 52-B, on the expiry of the period specified for preferring revision under Section 52-B.]

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

61. Saving of power to release property seized. - Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the ¹[State Government] from directing at any time the immediate release of any property seized under Section 52.

62. Punishment for wrongful seizure. - Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ⁴[ten thousand rupees] or with both.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57

2. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

3. Renumbered by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

4. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks. - Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code, 1860.-

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

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

(c) alters, moves, destroys or defaces any boundary marks of any forest or waste land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to two years, or with fine or with both.

64. Power to arrest without warrant. - (1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest offence punishable with imprisonment for one month or upwards.

(2) Every Officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the Officer in charge of the nearest police station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of Section 30.

65. Power to release on a bond a person arrested. - Any Forest Officer of a rank not inferior to that of an Officer in-charge of a range, who, or whose subordinate, has arrested any person under the provisions of Section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the Officer-in-charge of the nearest police station.

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

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

13.08.57

²[**67. Power to try offences summarily.** - Any Chief Judicial Magistrate or any Metropolitan Magistrate or any Magistrate of the First Class specially empowered in this behalf by the High Court, may try summarily under the Code of Criminal Procedure, 1973 (Central Act. No. 2 of 1974), any forest offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding twenty-five thousand rupees or both.]

68. Power to compound offence. - (1) the ¹[State Government] may, by notification in the ¹[Official Gazette], empower a Forest Officer. -

(a) to accept from any person against whom reasonable suspicion exists that he has committed any forest offence other than an offence specified in Section 62 or Section 63 a sum of money by way of compensation for the offence which such person is suspected to have committed, and

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

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

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

69. Presumption that forest produce belongs to ¹[State Government]. - When in any proceedings taken under this Act, or in consequence of anything done under this Act, question arises as to whether any forest produce is the property of the ¹[State Government], such produce, shall be presumed to be the property of the ¹[State Government] until the contrary is proved.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

13.08.57

2. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

3. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

CHAPTER-X

Cattle Trespass

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

71. ¹[Power to alter fines fixed under the central Act No. 1 of 1871.] - The State Government may, by notification in the Official Gazette, direct that, in lieu of the fines fixed under the Cattle Trespass Act, 1871 (Central Act No. 1 of 1871) as adapted to the State of Rajasthan there shall be levied for each head of cattle impounded under Section 70 of this Act, such fines as it thinks fit, but not exceeding the following, that is to say-

For each elephant	-Twenty five rupees
For each camel	-Twenty five rupees
For each buffalo, horse, mare, gelding, colt, pony, filly, mule, bull, bullock, cow or heifer.	-Ten rupees
For each calf, ass pig, ram, ewe, sheep lamb, goat or kid.	-One rupee]

1. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

CHAPTER-XI
Of Forest Officers

72. ¹[State Government] invests Forest Officer with certain powers. - The ¹[State Government] may invest any Forest Officer with all or any of the following powers, that is to say

-

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;²[xxx]
- (c) or to hold an enquiry into forest offence ³[; and]
- ⁴[(d) power to issue a search warrant under the Code of criminal Procedure, 1973 (Central Act No. 2 of 1974).]

73. Forest Officers deemed public servants. - All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860.

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

75. Forest Officers not to trade. - No Forest Officer shall, as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for working any forest whether in or outside Rajasthan.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57

2. Omitted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

3. Substituted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

4. Inserted by Notification No. F 2 (49) Vidhi / 2 / 2012 [Act No. 15 of 2013] (w.e.f. 10.04.2013)

CHAPTER-XII

Subsidiary Rules

76. Additional powers to make rules. - The ¹[State Government] may make rules-

- (a) to prescribe and limit the powers and duties of any Forest Officer under this Act;
- (b) to regulate the rewards to be paid to Officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to ¹[State Government], but grown on lands belonging to or in the occupation of private person; and
- (d) generally to carry not the provisions of this Act.

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

78. Rules when to have force of law. - All rules made by the ¹[State Government] under this Act shall be published in the ¹[Official Gazette] and shall thereupon so far as they consistent with this Act have effect as if enacted therein.

CHAPTER XIII

Miscellaneous

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

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

- (a) to extinguish any forest fire in such forest of which he has knowledge or information;
 - (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest; and shall assist any Forest Officer or Police Officer demanding his aid
 - (c) in preventing the commission in such forest of any forest offence; and
 - (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.
- (2) Any, person who, being bound so to do, without lawful excuse fails
- (a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1);
 - (b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest;
 - (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or
 - (d) to assist any Forest Officer or Police Officer demanding. his aid in preventing the commission in such forest of any forest offence, or when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender, shall be punishable with imprisonment for a term which may extend to one or with fine which may extend to two hundred rupees, or with both.

80. Management of Forests the joint property of ¹[State Government] and other persons. -

(1) If the ¹[State Government] and any person be jointly interested in any forest or waste land or in the whole or any part of the produce thereof the ¹[State Government] may either-

- (a) undertake the management of such forest, waste land or produce accounting to such person for his interest in the same; or
- (b) issue such regulations for the management of the forest, waste land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

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

81. Failure to perform service for which a share in produce of ¹[State Government] forest is enjoyed.- If any person be entitled to a share in the produce of any forest which is the property of the ¹[State Government] or over which the ¹[State Government] has proprietary rights or to any part of the forest produce of which the ¹[State Government] is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the ¹[State Government] that such service is no longer so performed;

Provided that no such share shall be confiscated until the person entitled hereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the ¹[State Government].

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

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

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

(3) The surplus, if any, if not claimed within six months from the date of the sale by the person entitled thereto, shall be forfeited to the ¹[State Government].

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated

84. Land required under this Act to be deemed to be needed for public purpose under the Land Acquisition Law in force. - Whenever it appears to the ¹[State Government] that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the ²[Rajasthan Land Acquisition Act, 1953 (Rajasthan Act no. XXIV of 1953)].

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

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

87. Act and to affect or impair certain rights of Rulers. - Nothing in this Act shall impair or otherwise affect such shooting, fishing or other rights of Rulers of covenanting State or the members of their families as have been recognized in shikargahs, forests or other local areas by virtue of covenants entered into with the Rulers or documents collateral thereto.

88. ³[xxx]

89. ³[xxx]

THE SCHEDULE ³[Omitted]

1. Substituted by section 4 of Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 13.08.57

2. Substituted by item No. 23 of the Schedule-ibid.

3. Omitted by item No. 23 of the schedule-ibid.