

Forest Act, 1963

Chapter 2 - Reserved Forests

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

Section 4 - Notification by Government

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

- (a) declaring that it has been decided to constitute such land a reserved forest;
- (b) specifying, as nearly as possible, the situation and limits of such land; and
- (c) appointing an officer (hereinafter called the Forest Settlement Officer) to inquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest produce, and to deal with the same as provided in this Chapter.

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

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

Section 5 - Proclamation by Forest Settlement Officer

When a notification has been issued under section 4, the Forest Settlement Officer shall publish in Kannada and in any other regional language of the area, at the headquarters of each taluk in which any portion of the land comprised in such notification is situate and in every town and village in the neighbourhood of such land a proclamation,--

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
- (b) setting forth the substance of the provisions of section 6;
- (c) explaining the consequences which, as hereinafter provided, will ensue on such forest being constituted a reserved forest; and
- (d) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section 4, either to present to such officer within such period a written notice specifying or to appear before him within such period and state the nature of such right or claim (if any) and in either case to produce all documents in support thereof.

The Forest Settlement Officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a reserved forest or on his recognised agent or manager. Such notice may be sent by registered post to persons residing beyond the limits of the district in which such land is situate.

Section 6 - Bar of accrual of forest rights

(1) After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right, or power to create such right, was vested when the notification was issued; and on such land no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided. No patta or right of occupancy shall without the previous sanction of the State Government be granted, in respect of such land, and every patta or right of occupancy granted without such sanction shall be null and void.

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

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

Section 7 - Inquiry by Forest Settlement Officer

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

The Forest Settlement Officer shall at the same time, consider and record any objection which the Forest Officer, if any, appointed under sub-section (2) of section 4 may make to any such claim or any information which he may afford with regard to the existence and extent of any such right.

Section 8 - Powers of Forest Settlement Officer

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

- (i) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and
 - (ii) the powers of a civil court in the trial of suits.
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Section 9 - Extinction of rights

Rights in respect of which no claim has been preferred under section 5, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished unless, before the final notification under section 17 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 5 in which case the Forest Settlement Officer shall proceed to dispose of the claim as hereinafter provided.

Section 10 - Treatment of claims relating to shifting cultivation

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

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

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

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

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

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

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

Section 11 - Power to acquire land over which right is claimed

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

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

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

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

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

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

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

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

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

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

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

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

Section 13 - Record to be made where claim is admitted

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

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

Section 14 - Exercise of rights admitted

- (1) After making such record, the Forest Settlement Officer, shall to the best of his ability and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.
- (2) For this purpose, the Forest Settlement Officer may,--
 - (a) provide some other reasonably convenient right of way; or
 - (b) set out some other forest tract of sufficient extent and in a locality reasonably convenient, for the exercise of rights to pasturage or other forest produce, and record an order conferring such rights on claimants to the admitted extent; or
 - (c) so alter the limits of the proposed reserved forest as to exclude the tract over which rights of way or water extend or to exclude forest land of sufficient extent and in a locality reasonably convenient for the purpose of the claimants with regard to pasturage or other forest produce and the land so excluded may be either outside the boundaries of the forest as finally settled or within them, in which latter case, it shall be demarcated and notified as an enclosure within which the rules relating to reserved forests shall not apply; or
 - (d) record an order, continuing to claimants the right of way or to pasturage or other forest produce or water (as the case may be) to the admitted extent, at such seasons within such portions of the proposed reserved forest, and under such rules, as may be prescribed to ensure the continuance but non-abuse of such rights.

Section 15 - Compensation for rights

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

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

- (1) Any person who has made a claim under this Chapter or any Forest Officer or other person generally or specially empowered by the State Government in this behalf, may, within three months

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

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

1. Substituted by Act 19 of 1989 w.e.f. 16.3.1989.

Section 17 - Notification declaring forest a reserved forest

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

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

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

(c) all proceedings prescribed by sections 11 and 14 have been taken and all lands and buildings (if any) to be included in the proposed reserved forest, which the Forest Settlement Officer has under section 11 elected to acquire under the Land Acquisition Act, 1894, have become vested in the Government under section 16 of that Act,

the State Government shall publish a notification specifying clearly according to the boundary marks erected or otherwise, the limits of the forest which is intended to constitute a reserved forest and declaring the same to be a reserved forest from the date fixed by such notification, subject to the exercise of rights (if any) specified in such notification.

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

Section 18 - Publication of notification

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

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

(1) The State Government may, within five years from the publication of any notification under section 17 revise any arrangement made under section 14 and may for this purpose rescind or modify any order made under section 14 and direct that any one of the proceedings specified in section 14 be taken in lieu of any other such proceedings or that the rights admitted under section 12 be compensated under section 15.

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

(3) On the issue of a notification under sub-section (2), the 1[Deputy Conservator of Forest] shall publish at the headquarters of each taluk, in which any portion of the land comprised in such notification is situate and

in every town and village in the neighbourhood of such land, a notice,--

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

(b) stating that any objections which may be made in person or in writing to the 1[Deputy Conservator of Forest], within a period of thirty days from the date of publication of the notice will be considered by him.

(4) After the expiry of the period referred to in clause (b) of sub-section (3) and after considering the objections, if any, received by him, the 1[Deputy Conservator of Forest] shall submit to the State Government the record of the proceedings held by him together with a report thereon.

(5) The State Government may, after considering the report of the 1[Deputy Conservator of Forest], by notification, redefine the limits of the reserved forest, as proposed by the notification under sub-section (2) with such modifications as it thinks fit or without any modifications:

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

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

1. Substituted by Act 20 of 2001 w.e.f. 5.9.2002.

Section 20 - No right acquired over reserved forest except as provided

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

Section 21 - Alienation of right in reserved forest

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

Provided that, when any such right is append ant to any land or building it may be sold or otherwise alienated with such land or building without such sanction.

(2) The benefit of any right continued under section 14 shall not in any case be leased, sold or bartered except to the extent defined by the order recorded under that section or under section 16, and any such lease, sale or barter shall be void.

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

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

(1) The Forest Officer may, with the previous sanction of the Chief Conservator of Forests by order notified in the official Gazette, stop any public or private way or water course in a reserved forest:

Provided that for the way or water course so stopped, another way or water course which is equally convenient, already exists or has been provided or constructed:

Provided further that no water course feeding a tank or other reservoir shall be stopped except after consulting the Executive Engineer having jurisdiction over such tank or reservoir.

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

1. Substituted by Act 10 of 1989 w.e.f. 16.3.1989.

Section 23 - Reserved forests constituted previous to passing of this Act

(1) Any forest which has been notified as a State Forest under the Mysore Forest Act, 1900, or as a reserved forest under the Indian Forest Act, 1927, the Madras Forest Act, 1882, or the Hyderabad Forest Act, 1355F, prior to the date on which this Act comes into force, shall be a reserved forest under this Act:

Provided that if the rights of private persons to or over any land or forest produce in such forest shall not have been inquired into, settled and recorded in a manner which the State Government deems sufficient, the same shall be inquired into, settled and recorded in the manner provided by this Act; and until such inquiry, settlement and record have been completed, the operation of this section shall not abridge, or affect such rights.

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

Section 24 - Acts prohibited in reserved forests

Any person who,--

(a) makes any fresh clearing prohibited by section 6, or

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

any person who, in a reserved forest,--

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

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

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

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

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

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

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

1[(gg) unauthorisedly occupies land for any purpose;]

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

(i) poisons or dynamites water;

(j) in contravention2[of any law or rules, enters any reserved forest with fire arms or any other weapon meant for hunting], hunts, shoots, fishes or sets traps or snares, or

who abets committing of any of the above prohibited acts shall, on conviction, be punishable with imprisonment for a term which may extend to2[one year or with fine which may extend to two thousand rupees], or with both, and in addition be liable to pay such compensation for the damage done to the forests as the convicting court may direct to be paid.

1. Inserted by Act 10 of 1989 w.e.f. 16.3.1989.

2. Substituted by Act 1 of 1981 w.e.f. 23.2.1981.

Section 25 - Acts excepted from section 24

(1) Nothing in section 24 shall be deemed to prohibit,--

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

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

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

Section 26 - Privileges may be granted in reserved forests

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

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

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

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

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

Section 28 - Power to declare forests no longer reserved forests

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

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

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

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

1. Inserted by Act 23 of 1974 w.e.f. 16.9.1974.

2. Inserted by Act 15 of 1978 w.e.f. 27.4.1978.