

## Forest Act, 1963

### Chapter 6 - Control of Timber and Other Forest Produce in Transit

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- (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest produce in transit by land or water, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest produce.
- (2) In particular and without prejudice to the generality of the foregoing power such rules may,-
- (a) prescribe the routes by which alone timber or other forest produce may be transported or moved into, from or within the State;
  - (b) prohibit the transport, into, within or outside, the State, of such timber or prohibit collection or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass, and in the case of timber without affixing a Government transit mark;
  - (c) provide for the issue, production and return of such passes and in the case of timber for affixing Government transit marks and for the payment of fees for issue of the passes and for affixing such marks;
  - (d) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such owner or of the Government;
  - (e) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to the Government or to which it is desirable for the purposes of this Act to affix a mark;
  - (f) provide for the establishment of check posts or the erection of barriers at such places as the State Government may direct, with a view to prevent or check commission of forest offences in respect of forest produce and for the stoppage, reporting and examination of goods carried by any vehicle or vessel at such check posts or barriers;
  - (g) provide for the establishment and regulation of depots to which such timber or other forest produce shall be taken by those in charge of it for examination, or for the payment of such money or in order that such marks may be affixed to it; and the condition under which such timber or other forest produce shall be brought to, stored at and removed from such depots; and for regulating the appointment and duties of persons employed thereat;
  - (h) authorise the transport of such timber or other forest produce across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber or other forest produce;
  - (i) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;
  - (j) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the persons whose acts or negligence necessitated the same;
  - (k) prohibit absolutely or subject to conditions, 1 [within the whole of the State of Karnataka or specified local limits], the establishment of saw pits, saw mills, or any other sawing contrivance, and the converting, cutting, processing, distilling, storing, burning, concealing, marking or

supermarking of timber or other forest produce, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;

2 [(ka) regulate (including requiring the owner or proprietor to obtain a licence 3 [or to get it renewed]) the existing saw pits, 3 [starting new saw pits] saw mills or any other sawing contrivance;]

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

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

(3) In making a rule under this section, the State Government may provide that person guilty of contravention thereof shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both; and where the contravention is committed after sunset or before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for a like offence with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

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

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

3. Inserted by Act 12 of 1998 w.e.f. 11.5.1998.

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### **Section 51 - The State Government and Forest Officer not liable for damage to forest produce at depot**

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The State Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot established under rules made under section 50, or while detained elsewhere, for the purpose of this Act, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage wilfully, negligently, maliciously or fraudulently.

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### **Section 52 - All persons bound to aid in case of accident at depot**

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

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