

Forest Act, 1963

Chapter 7 - Collection of Drift and Stranded Timber

(1) All timber found adrift, beached stranded or sunk; all wood or timber bearing marks which have not been registered in accordance with the rules made under section 50 or which have been supermarked or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the State Government directs, all unmarked wood and timber; shall be deemed to be the property of the State Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) The timber referred to in sub-section (1) may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 59 and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

(3) The State Government may, by notification, exempt any class of timber from the provisions of this section.

Section 54 - Notice to claimants of drift timber

Public notice shall from time to time be given by the Forest Officer, of timber collected under section 53. 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 of not less than thirty days from the date of such notice a written statement of such claim.

Section 55 - Procedure on claim preferred to such timber

(1) When any such statement is presented under section 54, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or accept the claim and deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto or may refer the claimants to the civil court, and retain the timber or wood 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 ninety days from the date of intimation of the order of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the State Government, or against any Forest Officer, on account of such rejection, or the detention or removal of any timber or wood, 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 brought as provided in this section, has been decided.

Section 56 - Disposal of unclaimed timber

If no statement is presented under section 54, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 54 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 55, the ownership of such timber shall vest in the State Government free from all encumbrances, or, when such timber has been delivered to another person under section 55, in such other person free from all encumbrances not created by him.

Section 57 - State Government and its officers not liable for damage to such timber

The State Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 53 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.

Section 58 - Payments to be made by claimant before timber is delivered to him

No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 59.

Section 59 - Power to make rules

(1) The State Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made to regulate the following matters, namely:

(a) the salving, collection and disposal of all timber mentioned in section 53;

(b) the use and registration of boats or any other contrivance used in salving and collecting timber;

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

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

(3) In making a rule under this section, the State Government may provide that a person guilty of a 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.
