

Forest Act, 1963

Section 71A - Confiscation by Forest Officers in Certain Cases

1[71A. Confiscation by Forest Officers in certain cases

(1) Notwithstanding anything contained in the foregoing provisions of this Chapter²[or in any other law], where a forest offence is believed to have been committed in respect of timber,³[ivory,⁴ [gulmavu (machilus marantha) bark, dalchini bark, Halmaddi (exudation of ailantus malabricum), canes], firewood and charcoal which is the property of the State Government or in respect of sandalwood], the officer seizing the property under sub-section (1) of section 62 shall, without any unreasonable delay produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the official Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) Where an authorised officer seizes under sub-section (1) of section 62 any timber,³[ivory, firewood⁴[gulmavu (machilus marantha) bark, dalchini bark, halmaddi (exudation of ailantus malabricum), canes] and charcoal which is the property of the State Government or any sandalwood], or where any such property is produced before an authorised officer under sub-section (1) and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.

⁴(3) (a) Where the authorised officer, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(b) Where any confiscated property is sold, as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall where the order of confiscation made under section 71A is set aside or annulled by an order under sections 71C or 71D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.]

1. Sections 71A to 71F inserted by Act 50 of 1976 w.e.f. 22.6.1976.

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

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

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