

Forest Act, 1963

Chapter 10 - Provisions Relating to Sandalwood

¹[83. Rights of certain persons entitled to sandal trees

(1) All persons who by the terms of their sannads, grants, or by judicial decision or otherwise are, prior to the commencement of this Act, legally entitled to the sandal trees in their lands shall not fell or sell such sandal tree or convert or dress sandal wood obtained from such tree or possess, store, transport or sell the sandal wood so obtained except in accordance with the provisions of the rules made under this Act.

(2) On or after the commencement of the Karnataka Forest (Amendment) Act, 2001 every occupant or holder of land shall be legally entitled to the sandal tree in his land except where such sandal tree is declared to be the property of the State Government in any grant, lease, contract or other instrument, but such occupant or holder shall not fell or sell such sandal tree or convert or dress sandal wood obtained from such tree or possess, store, transport or sell the sandal wood so obtained except in accordance with the provisions of the rules made under this Act.]

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

Section 84 - Presumption in case of sandal wood

¹[84. Presumption in case of sandal wood

Wherein any proceedings taken under this Act or in consequence of anything done under this Act or under any law for the time being in force, a question arises as to whether any Sandalwood is the property of the State Government, it shall until the contrary is proved be presumed to be the property of the State Government and in case of any prosecution, the burden of proving the contrary shall lie on the accused."]

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

Section 85 - Responsibility of occupants and holders of land for the preservation of sandal trees etc.

¹[85. Responsibility of occupants and holders of land for the preservation of sandal trees etc.

Every occupant or holder of land or any other person referred to in section 83 shall preserve all sandal trees growing in his land, and shall in the event of its theft, at once, report such fact to the nearest Forest Officer or Police Officer.]

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

Section 86 - Penalty for offence in regard to sandalwood

In any case of a forest offence having reference to the cutting, uprooting, or removal or damage to, a sandal tree or any part of a sandal tree belonging to Government,¹[or to an occupant or holder of land or other person referred to in section 83], the offender shall, on conviction, be punishable with imprisonment for a term which may extend to¹[ten years]²[and with fine] which may extend to¹[one lakh rupees.]

¹[Provided that,-

(i) in the case of first offence the term of imprisonment shall not be less than³[five years] and the amount of fine shall not be less than²[fifty thousand rupees]; and

(ii) in the case of a second or subsequent offence the term of imprisonment shall not be less than³[seven years] and the amount of fine shall not be less than³[seventy five thousand rupees.]

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

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

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

Section 87 - Regulation of sale and manufacture of sandalwood and sandalwood oil

(1) No person shall possess, store or sell or attempt to store or sell sandalwood or disintegrate or attempt to disintegrate sandalwood in mills or by other contrivance, manufacture or distil, or attempt to manufacture or distil oil from sandalwood, or re-distil,¹[refine, possess, store or sell or attempt to refine , store or sell] oil extracted from sandalwood, except under a licence obtained from such Forest Officer on payment of such fees, and subject to such restrictions and conditions as may be prescribed:

Provided that no such licence shall be refused in respect of distillation of oil from sandalwood and possession and storage of sandalwood for purposes of distillation, and the sale of sandalwood oil so distilled, by persons bona fide carrying on the business of distillation immediately prior to the commencement of this Act, in any area of the State:

Provided further that no such licence shall be necessary for possession of sandalwood up to⁴[three kilograms and sandalwood oil upto one hundred grams]¹ for bona fide domestic use.

²[Provided also that nothing in this sub-section so far as it relates to obtaining a licence to possess, store or sell or attempt to store or sell sandal wood shall apply to any person or occupant or holder of land referred to in section 83 in respect of sandal wood obtained from sandal tree grown by such person or occupant or holder in his land.]

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to 1[ten years and with fine which may extend to one lakh rupees:

Provided that,-

(i) in the case of first offence, the term of imprisonment shall not be less than five years and the amount of fine shall not be less than³[fifty thousand rupees];

(ii) in the case of a second or subsequent offence, the term of imprisonment shall not be less than seven years and the amount of fine shall not be less than seventy five thousand rupees.¹

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

2. Inserted by Act 20 of 2001 w.e.f. 5.9.2002.

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