

Forest Act, 1963

Chapter 12 - Miscellaneous

(1) The State Government may, by notification, invest any Forest Officer with all or any of the following powers, that is to say:-

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of civil court to compel the attendance of witnesses and the production of documents and material objects;
- (c) power to issue a search warrant under the [1](#)[Code of Criminal Procedure, 1973 (Central Act II of 1974);]
- (d) power to hold inquiries into forest offences, and, in the course of such inquiry, to receive and record evidence;
- (e) power to notify the seasons and manner in which fire may be kindled, kept or carried in a reserved forest;
- (f) power to grant any permission referred to in sections 25 and 50;
- (g) power to notify stations for the reception of drift timbers;
- (h) power to give public notice of timber collected under section 53;
- (i) power to take possession of property under this Act;
- (j) power to direct the release of property or withdrawal of charges;
- (k) power to stop and check any vehicle suspected to carry forest produce.

[2](#)[(l) power to do any other act which, in the opinion of the State Government, is conducive to the better protection and security of forest wealth belonging to the State Government and in particular sandal wood.]

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by [1](#)[section 274 or section 275 of the Code of Criminal Procedure, 1973 (Central Act II of 1974).]

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

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

No trees, wood or timber or other forest produce shall be removed from in am forest lands without a permit, to be obtained under such rules as may be prescribed, provided that no fee shall be payable for such permits.

Section 101 - Control over reserved trees

The State Government may by rules regulate the preservation, reproduction and disposal of sandal trees and such classes of reserved trees as it deems fit.

Section 101A - Grant of forest produce on seigniorage rate

1 [101A.Grant of forest produce on seigniorage rate

1 [(1)] The State Government may grant to any person, any tree, wood or timber or other forest produce in any district or reserve forest on payment by such person, such seigniorage value as may 2 [x x x], subject to general or special orders of the State Government, 1 [be fixed] by the Chief Conservator of Forests.]

3 [Provided that no seigniorage value shall be payable in respect of bark for the period from the Nineteenth day of February, 1981 to the Thirty-first day of August, 1983:

Provided further that the State Government may, for a period of ten years from the First day of October, 1983, and on payment of fifty per cent of such seigniorage value, grant to any person eucalyptus or bamboos for the manufacture of newsprint.]

4 [(2)] The holder of a lease or agreement or any other document granted or entered into prior to the commencement of the Karnataka Forest (Amendment) Act, 1980 and providing for supply of any tree, wood, timber or other forest produce by the State Government shall, notwithstanding anything contained in the instrument of lease or agreement or other document or in any law in force at such commencement, pay, in respect of such tree, wood, timber or other forest produce received by him after such commencement, value (by whatever name called) at the rate for the time being specified in the rules made or orders issued under sub-section (1), in respect of such tree, wood, timber or other forest produce.

(3) The holder of any such lease, agreement or document, granted or entered into after the commencement of the Karnataka Forest (Amendment) Act, 1980 notwithstanding anything contained in such lease, agreement or document shall, pay, in respect of any tree, wood, timber or other forest produce received by him, value (by whatever name called) at the rate for the time being specified in the rules made or orders issued under sub-section (1), in respect of such tree, wood, timber or other forest produce.

(4) The rates specified in the rules made or orders issued under sub-section (1), may be modified from time to time by the Chief Conservator of Forests:

Provided that the Chief Conservator of Forests shall not enhance the rate or value in respect of any tree, wood, timber or other forest produce more than once during any period of two years.]

1. Section 101A Inserted by Act 1 of 1981 w.e.f. 1.6.1969 and renumbered has sub-section (1) by Act 1 of 1981 w.e.f. 23.2.1981.

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

3. Inserted by Act 10 of 1989 w.e.f. 23.2.1981.

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

Section 101B - Supply of forest produce under agreement by the State Government

1 [101B. Supply of forest produce under agreement by the State Government

(1) No lease, agreement or any other document entered into by the State Government and providing for supply of fire-wood, timber or other forest produce by the State Government shall, at a time, be for a term exceeding five years and the supply under every such lease, agreement or other document shall be subject to the condition of availability of such tree, wood, timber or other forest produce.

(2) Any lease or agreement or any other document providing for the supply of tree, wood, timber or other forest produce by the State Government, granted or entered into prior to the commencement of the Karnataka Forest (Amendment) Act, 1984,-

(a) for a term exceeding five years and in force on the date of such commencement, shall cease to be in force on the expiry of the term specified therein or the period of five years from the date of such commencement, whichever is earlier;

(b) shall be and shall be deemed to be subject to the condition of availability of such tree, wood, timber or other forest produce.]

1. Inserted by Act 11 of 1984 w.e.f. 13.1.1984.

Section 102 - General powers to make rules

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

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made,-

(a) to prescribe and limit the powers and duties of any Forest Officer under this Act;

(b) to regulate the procedure of Forest Settlement Officers;

(c) for the preservation, reproduction and disposal of trees, timber and other forest produce belonging to Government, but grown on lands belonging to or in the occupation of private persons;

(d) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act or otherwise.

1[(e) to regulate the cutting, felling, sale or disposal of blackwood or bite tree (*Dalbergia Latifolia*);

(f) to prescribe the fees to be levied in respect of licences, permits, passes or permissions issued under this Act or rules made thereunder;

(g) in respect of any other matter which is required or allowed by this Act to be prescribed];

1. Clauses (e) to (g) inserted by Act 23 of 1974 w.e.f. 1.6.1969.

Section 103 - Rules to be laid before State Legislature

Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section 104 - Penalties for Contravention of Act or rules

Any person contravening any provision of this Act or any rule made under this Act, for the contravention of which no special penalty is provided, shall, on conviction be punishable with imprisonment for a term which may extend to 1[six months] or with fine which may extend to 1[one thousand rupees], or with both:

2[Provided that any person contravening any such provision relating to sandalwood, shall, on conviction, be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.]

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

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

Section 104A - Restrictions on trade and transport of blackwood or Bite trees and timber thereof

1 [104A.Restrictions on trade and transport of blackwood or Bite trees and timberthereof

(1) No person other than,-

(a)the State Government; or

(b)the officers of the State Government not below the rank of a 2 [DeputyConservator of Forest], authorised in writing in this behalf,

shall purchase ortransport any blackwood or bite tree (Dalbergia Latifolia) or timber thereof:

Providedthat the purchase of any such tree or timber from the State Government or theaforesaid officers shall not be deemed to be a purchase in contravention of theprovisions of this sub-section:

Providedfurther that the State Government may by order exempt any such tree or timberbelow such measurements as may be specified by it from time to time from theprovisions of sub-section (1).

(2)No person shall sell or otherwise dispose of any such tree or timber to anyperson other than the State Government or the aforesaid officers.

(3)Notwithstanding anything contained in sub-section (1) any such tree or timber purchased from the State Government or the aforesaid officers by any person forbonafide personal use may be transported by such person in accordance with theterms and conditions of a permit issued by such authority and in such manner asmay be prescribed.

(4) The price of any such tree or timber shall be such as the State Government mayby order specify from time to time, having regard to,-

- (a)prevalent market price;
- (b)quality of the timber in the locality;
- (c)transport facilities available in the locality;
- (d)the cost of transport;
- (e)general level of wages for labour prevalent in the locality; and
- (f)such other matters as may be prescribed.

(5)The State Government or the aforesaid officers may establish such number ofdepots as may be necessary where any such tree or timber may be sold to theState Government or the aforesaid officers.

(6)The State Government or the aforesaid officers subject to the generalsupervision and control of the State Government shall be bound to purchase atthe price fixed under sub-section (4) any such tree or timber offered for saleduring the hours of business.

(7)Any tree or timber purchased under sub-section (1) shall be sold or otherwisedisposed of in such manner as the State Government may from time to timedirect.

(8)Any person contravening the provisions of this section or any rule madethereunder shall, on conviction, be punishable with imprisonment for a termwhich may extend to [3](#) [five years] and with fine which may extend to [3](#) [tentousand rupees.]

1. Section104A inserted by Act 23 of 1974 w.e.f. 16.9.1974.

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

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

Section 104B - Certain offences to be cognizable

[1](#)[104B. Certain offences to be cognizable

All offences under Chapter X and under section 104A and rules made thereunder shall be cognizable.

1. Section 104A and 104B inserted by Act 23 of 1974 w.e.f. 16.9.1974.

Section 104C - Abetment

[1](#)[104C. Abetment

Any person including, subject to section 114, any Forest Officer, who abets the Commission of any offence punishable by or under this Act or the commission of an act which would be an offence if committed by a person capable by law of committing an offence with the same intention or

knowledge as that of the a better, shall be deemed to have committed such offence and shall be punishable with the punishment provided for such offence.

1. Section 104C to 104G Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

Section 104D - Special provision regarding bail

[104D.Special provision regarding bail

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) no person accused of a forest offence, punishable under sections 86 or 87 or 104A or in respect of ivory, shall, if in custody, be released on bail or on his own bond unless,-

- (a) the prosecution has been given an opportunity to oppose the application for such release, and
- (b) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

Section 104E - Omitted

104E.1[x x x]

1. Section 104C to 104G Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

Section 104F - Persons not be released on probation

1 [104F.Persons not be released on probation

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the Probation of Offenders Act, 1958 (Central Act 20 of 1958), no person convicted of an offence punishable under sections 86, 87, or 104A, shall be released on probation or admonition.

1. Section 104F Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

Section 104G - Removal of persons convicted of certain offences

1 [104G.Removal of persons convicted of certain offences

(1) When any person having been previously convicted twice or more of an offence punishable under sections 86, 87 or 104 A is again convicted of an offence punishable under any of the said sections, the court may, if it thinks fit, at the time of passing the sentence on such person, also, by order, direct such person to remove himself after the expiry of such sentence outside any district or any other area specified in such order.

(2) The order under sub-section (1), shall specify the period not exceeding two years during which such order shall remain in force and shall specify such conditions and restrictions as may be specified in the rules, by the State Government.

(3) If such conviction is set aside on appeal or otherwise, such order shall become void.

(4)An order under this section may also be made by an appellate court or by theHigh Court when exercising its powers of revision.

(5)If a person to whom a direction is issued under this section to remove himselffrom any area,-

(i)fails to remove himself as directed; or

(ii)having so removed himself, except with the permission in writing of the courtmentioned in sub-section (1), enters the area within the period specified inthe order,

the court maycause him to be arrested and removed in police custody to such place outsidethe area as the court may, in each case, specify.

(6)Any person who is guilty of the breach of any order passed under this sectionor of any of the conditions or restrictions specified in such order, shall bepunished with imprisonment which may extend to three years or with fine, orwith both.]

1. Section104C to 104G Inserted by Act 1 of 1981 w.e.f. 23.2.1981.

2. Section104E Omitted by Act 11 of 1984 w.e.f. 13.1.1984.

Section 105 - Persons bound to assist Forest Officers

(1) Every person who exercises any right in a reserved forest or protected forest or district forest or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in any forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Government or who receives emoluments from the Government for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information he may possess respecting the occurrence of fire in or near such forest or the commission of, or intention to commit, any forest offence, and shall forthwith take steps, whether so required by any Forest Officer or Police Officer or not,

(a) to extinguish any forest fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest;

and shall assist any Forest Officer or Police Officer demanding his aid,

(c) in preventing the commission in such forest of any forest offence; and

(d) when there is reason to believe that any such offence has been committed, in such forest, in discovering and arresting the offender.

(2) Any person, who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails,

(a) to furnish without unnecessary delay to the nearest Forest Officer or Police Officer any information required by sub-section (1);

(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved forest or protected forest or district forest;

(c) to prevent as required by sub-section (1) any fire in the vicinity of such forest from spreading to such forest; or

(d) to assist any Forest Officer or Police Officer demanding his aid in preventing the commission in such forest of any forest offence, or, when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender;

shall, on conviction, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Section 106 - Management of forests which are the joint property of State Government and other persons

(1) If the State Government and any person be jointly interested in any forest or waste land, or in the whole or any part of the produce thereof, the State Government may either,

(a) undertake the management of such forest, waste land or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, waste land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the State Government undertakes under clause (a) of sub-section (1) the management of any forest, waste land or produce, it may, by notification, declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste land or produce, and thereupon such provisions shall apply accordingly.

Section 107 - Power of State Government to apply provisions of this Act to certain lands of State Government or local authority

The State Government may, by notification, declare that any of the provisions of this Act, shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.

Section 108 - Failure to perform service for which a share in produce of Government forest is enjoyed

(1) If any person is entitled to a share in the produce of any forest which is the property of the State Government or over which the State Government has proprietary rights or to any part of the forest produce of which the State Government is entitled, upon the conditions of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the State Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the State Government.

(2) Any person aggrieved by the confiscation of his share under sub-section (1) may within sixty days from the date of receipt of the order of the State Government, appeal to the High Court.

Section 109 - Recovery of money due to Government

1 [(1)] All money payable to the State Government under this Act, or under any rule made under this Act, or on account of the price of any forest produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered as if it were an arrear of land revenue.

2 [(2)] Notwithstanding any thing contained in sub-section (1) or in any other law for the time being in force, on an application made by a Forest Officer, for the recovery of arrears of any sum due by any person towards lease, rent, forest development tax, royalty, price of any forest produce or any other sum due under this Act, or any rule, order or notification made or issued thereunder, the Conservator of Forest may after making an enquiry and giving a reasonable opportunity of being heard to such person, decide the sum due, and issue a certificate for recovery of the said sum.

(3)An order made under sub-section (2), shall be binding on the person againstwhom it is made and shall, if not carried out, on a certificate signed by theConservator of Forest, be deemed to be a decree of Civil Court, and shall beexecuted in the same manner as a decree of such Court.]

1.Renumbered by Act 20 of 2000 w.e.f. 4.10.2000.

2.Inserted by Act 20 of 2000 w.e.f. 4.10.2000.

Section 110 - Lien on forest produce for such money

(1) When any money referred to in section 109 is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest Officer duly empowered in this behalf and may be retained by him until such amount has been paid.

(2) If such amount is not paid when due, the Forest Officer may sell such produce by public auction and the proceeds of sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within sixty days from the date of sale by the person entitled thereto, shall be forfeited to the State Government.

Section 111 - Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act

Whenever it appears to the State Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894.

Section 112 - Recovery of penalties due under bond

(1) When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a contravention of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such contravention as if it were an arrear of land revenue.

(2) If any question arises,-

(a) whether there has been a contravention of any of the conditions of such bond or instrument;

(b) as to the sum to be paid for such contravention;

(c) as to the person or persons liable to pay such sum;

the question shall be referred to and (after giving notice to the person concerned and after considering his objections, if any) be decided by an officer not below the rank of a¹[Deputy Conservator of Forest] authorised by the State Government in this behalf. The person aggrieved by the decision of such officer may, within a period of sixty days from the date of such decision, appeal to the State Government or such other appellate authority as the State Government may by notification, appoint in this behalf. The decision of such officer, subject to an appeal to the appellate authority, and the decision of the appellate authority on such appeal, shall be final.

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

Section 113 - Forest Officers deemed to be public servants

All Forest Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Section 114A - Suits or prosecution in respect of acts done under colour of duty not to be entertained without sanction of the State Government

1[114A. Suits or prosecution in respect of acts done under colour of duty not to be entertained without sanction of the State Government

(1) In any case of alleged offence or of wrong alleged to have been committed by any Forest Officer, by any act done under colour or in excess of any such duty or authority under this Act, or wherein it shall appear to the court that offence if committed was of the character aforesaid, the prosecution or suit shall not be entertained except with the previous sanction of the State Government.

(2) In the case of an intended suit on account of such wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice atleast of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if so, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed with a declaration by the plaintiff of the time and manner of service thereof.]

1. Inserted by Act 20 of 2000 w.e.f. 4.10.2000.

Section 115 - Forest Officer not to trade

(1) No Forest Officer shall, as principal or agent or in any other capacity, trade in timber or other forest produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether within or outside the 1[State of Karnataka].

(2) Whoever contravenes the provisions of sub-section (1) shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine or with both.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Section 116 - Central Act No. 67 of 1957 to prevail

Nothing in this Act shall be deemed to affect the operation of the Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and the rules, made thereunder, and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Mines and Minerals (Regulation and Development) Act, 1957.

Section 117 - Repeal and savings

The Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the 1 [Belgaum Area], the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Coorg District, the Hyderabad

Forest Act, 1355 Fasli (Hyderabad Act II of 1355 Fasli), as in force in the 1 [Gulbarga Area], the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the 1 [Mangalore and Kollegal Area], the Mysore Forest Act, 1900 (Mysore Act X of 1900), as in force in the Mysore Area, and the 1 [Karnataka] Preservation of Private Forests Act, 1962 (1 [Karnataka] Act No. 19 of 1962), are hereby repealed:

Provided that the repeal shall not affect,-

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy, may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, or scheme framed, certificate obtained, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Section 118 - Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.
