

Indian Forest Act, 1927

Chapter 2 - Of Reserved Forests

The¹[State Government] may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

1. Substituted by the A.O. 1950, for "Provincial Government".

Section 4 - Notification by State Government

4 . Notification by¹[State Government]]

(1) Whenever it has been decided to constitute any land a reserved forest, the¹[State Government] shall issue a notification in the²[Official Gazette] -] -

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called "the Forest Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.-For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the¹[State Government] from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Substituted by the A.O. 1937, for "Local Official Gazette".

Section 5 - Bar of accrual of forest-rights

After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the¹[Government] or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in s uch land except in accordance with such rules as may be made by the²[State Government] in this behalf.

1. Substituted by the A.O. 1950, for "Crown".
 2. Substituted by the A.O. 1950, for "Provincial Government".
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Section 6 - Proclamation by Forest Settlement-officer

When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
 - (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and
 - (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.
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Section 7 - Inquiry by Forest Settlement-officer

The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Section 8 - Powers of Forest Settlement-officers

For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:

- (a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and
 - (b) the powers of a Civil Court in the trial of suits.
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Section 9 - Extinction of rights

Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Section 10 - Treatment of claims relating to practice of shifting cultivation

- (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.
- (2) On receipt of the statement and opinion, the¹[State Government] may make an order permitting or prohibiting the practice wholly or in part.
- (3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise-
 - (a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or
 - (b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.
- (4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the¹[State Government] .
- (5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the¹[State Government] .

1. Substituted by the A.O. 1950, for "Provincial Government".

Section 11 - Power to acquire land over which right is claimed

- (1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right to forest-produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either
 - (i) exclude such land from the limits of the proposed forest; or
 - (ii) come to an agreement with the owner thereof for the surrender of his rights; or
 - (iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).
- (3) For the purpose of so acquiring such land
 - (a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 1894);
 - (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
 - (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Section 12 - Order on claims to rights of pasture or to forest-produce

In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Section 13 - Record to be made by Forest Settlement-officer

The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,

- (a) the name, father's name, caste, residence and occupation of the person claiming the right; and
- (b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

Section 14 - Record where he admits claim

If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Section 15 - Exercise of rights admitted

(1) After making such record the Forest Settlement-officer shall, to the best of his ability, having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement-officer may-

- (a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
- (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the 1[State Government] .] .

1. Substituted by the A.O. 1950, for "Provincial Government".

Section 16 - Commutation of rights

In case the Forest Settlement-officer finds it impossible having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the¹[State Government] may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.] may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

1. Substituted by the A.O. 1950, for " Provincial Government".

Section 17 - Appeal from order passed under section 11, section 12, section 15 or section 16

Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the¹[State Government] in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the¹[State Government] may, by notification in the²[Official Gazette] , appoint to hear appeals from such orders:]

Provided that the¹[State Government] may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the¹[State Government] , and when the Forest Court has been so established, all such appeals shall be presented to it.

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Substituted by the A.O. 1937, for "Local Official Gazette".

Section 18 - Appeal under section 17

(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the¹[State Government] , be final.

1. Substituted by the A.O. 1950, for "Provincial Government".

Section 19 - Pleadings

The¹[State Government] , or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.] , or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

1. Substituted by the A.O. 1950, for " Provincial Government".

Section 20 - Notification declaring forest reserved

(1) When the following events have occurred, namely:-

(a) the period fixed under section 6 for preferring claims have elapsed and all claims (if any) made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act,

the¹[State Government] shall publish a notification in the²[Official Gazette] , specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Substituted by the A.O. 1937, for "Local Official Gazette".

Section 21 - Publication of translation of such notification in neighbourhood of forest

The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

Section 22 - Power to revise arrangement made under section 15 or section 18

The¹[State Government] may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16 .

1. Substituted by the A.O. 1950, for " Provincial Government".

Section 23 - No right acquired over reserved forest, except as here provided

No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the¹[Government] or some person in whom such right was vested when the notification under section 20 was issued.] or some person in whom such right was vested when the notification under section 20 was issued.

1. Substituted the A.O. 1950, for "Crown ".

Section 24 - Rights not to be alienated without sanction

(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease mortgage or otherwise, without the sanction of the¹[State Government] :

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

1. Substituted by the A.O. 1950, for " Provincial Government".

Section 25 - Power to stop ways and water-courses in reserved forests

The Forest-officer may, with the previous sanction of the¹[State Government] or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the¹[State Government] deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

1. Substituted by the A.O. 1950, for " Provincial Government".

Section 26 - Acts prohibited in such forests

(1) Any person who-

(a) makes any fresh clearing prohibited by section 5, or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the¹[State Government] in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest-

- (c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;
- (d) trespasses or pastures cattle, or permits cattle to trespass;
- (e) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (f) fells, girdles, lops, or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;
- (g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;
- (h) clears or breaks up any land for cultivation or any other purpose;
- (i) in contravention of any rules made in this behalf by the¹[State Government] hunts, shoots, fishes, poisons water or sets traps or snares; or] hunts, shoots, fishes, poisons water or sets traps or snares; or
- (j) in any area in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit-

(a)¹[S tate Government] ; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the¹[State Government] may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

1. Substituted by the A.O. 1950, for "Provincial Government".

Section 27 - Power to declare forest no longer reserved

(1) The¹[State Government] may,] may,²[* * *] by notification in the³[Official Gazette] , direct that, from a date fixed by such notification, any forest or any portion thereof reserved under the Act shall cease to be a reserved forest.] , direct that, from a date fixed by such notification, any forest or any portion thereof reserved under the Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

1. Substituted by the A.O. 1950, for "Provincial Government".

2. The words "subject to the control of the Governor-General in Council," omitted by the A.O. 1937.

3. Substituted by the A.O. 1937, for "Local Official Gazette".

