

Indian Forest Act, 1927

Chapter 5 - Of the Control over Forests and Lands Not Being the Property of Government

(1) The 1 [State Government] may, by notification in the 2 [Official Gazette], regulate or prohibit in any forest or waste-land-

- (a) the breaking up or clearing of land for cultivation;
- (b) the pasturing of cattle; or
- (c) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:-

- (i) for protection against storms, winds, rolling stones, floods and avalanches;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines, and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;
- (iii) for the maintenance of a water-supply in springs, rivers and tanks;
- (iv) for the protection of roads, bridges, railways and other lines of communication;
- (v) for the preservation of the public health.

(2) The 1 [State Government] may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the 1 [State Government].

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

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

Section 36 - Power to assume management of forests

(1) In case of neglect of, or willful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the 1 [State Government] may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

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

Section 37 - Expropriation of forests in certain cases

(1) In any case under this Chapter in which the State Government considers that, in lieu of placing the forest or land under the control of a Forest-Officer, the same should be acquired for public purposes, the¹[State Government] may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).] may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

(2) The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the¹[State Government] shall acquire such forest or land accordingly.] shall acquire such forest or land accordingly.

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

Section 38 - Protection of forests at request of owners

(1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire-

(a) that such land be managed on their behalf by the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the¹[State Government] may, by notification in the²[Official Gazette], apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired b y the applicants.

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

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