

Indian Forest Act, 1927

Chapter 8 - Of the Collection of Drift and Stranded Timber

(1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

in such areas as the¹[State Government] directs, all unmarked wood and timber,

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51 and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The¹[State Government] may, by notification in the²[Official Gazette], exempt any class of timber from the provisions of this section.

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

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

Section 46 - Notice to claimants of drift timber

Public notice shall from time to time be given by the Forest-officer, of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Section 47 - Procedure on claim preferred to such timber

(1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after according his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons who he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the¹[Government], or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such limber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

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

Section 48 - Disposal of unclaimed timber

If no such-statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such limber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

Section 49 - Government and its officers not liable for damage to such timber

The¹[Government] shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

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

Section 50 - Payments to be made by claimant before timber is delivered to him

No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive if such sum on account thereof as may be due under any rule made under section 51.

Section 51 - Power to make rules and prescribe penalties

(1) The State Government¹[may, by notification in the Official Gazette, make rules] to regulate the following matters, namely:-

- (a) the salving, collection and disposal of all timber mentioned in section 45;
- (b) the use and registration of boats used in salving and collecting timber;
- (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and
- (d) the use and registration of hammers and other instruments to be used for marking such timber.

²[(1A) Every rule made by the Sate Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The³[State Government] may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

- 1 . Substituted by the Delegated Legislation Provisions (Amendment) Act, 2004, section 2 and Schedule, for "may make rules".
- 2 . Inserted by the Delegated Legislation Provisions (Amendment) Act, 2004, section 2 and Schedule.
3. Substituted by the A.O. 1950, for " Provincial Government".