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GOVERNMENT OF GOA

The Indian Forest Act, 1927

and

The Goa Forest Rules, 1964

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And

The Goa Forest Rules, 1964

Reprint: 8th. July 2024.

@ Government of Goa

Price: Rs. 230/-

Printed & published by:
Government Printing Press,
Government of Goa,
Mahatma Gandhi Road,
Panaji-Goa – 403001.
Tel.: 0832 2426491
Fax: 0832 2436837
Email: dir-gpps.goa@nic.in
www.goaprintingpress.gov.in

The Indian Forest Act, 1927

and

The Goa, Forest Rules, 1964

This publication contains the following:

1) The Indian Forest Act, 1927.
2) The Goa, Daman and Diu Forest Rules, 1964.
3) The Forest Conservation Act, 1980 and Rules made thereunder.
4) The Goa, Daman and Diu Preservation of Trees Act, 1984.
5) The Goa, Daman and Diu Preservation of Trees Rules, 1983.
6) i) Appendix containing Forms and allied Notifications.
   ii) Legislative Diploma No. 644 dated 30-3-1933 (Regulations for the Administration of Goa Forests).

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THE INDIAN FOREST

ACT, 1927 (XVI of 1927)[1]

[21st September, 1927]

An act to consolidate the law relating to forests, the transit of Forest produce and the duty leviable on timber and other forest-produce.

Whereas it is expedient to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest-produce; it is hereby enacted as follows:

CHAPTER I

Preliminary

1. Short title and extent.— (1) This Act may be called the Indian Forest Act, 1927.

[1] [(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956,. were comprised in Part B States.

(3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the State of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal; but the Government of any State may, by notification in the Official Gazette bring this Act into force[2] in the whole or any specified part of the State in which this Act extends and where it is not in force.]

2. Interpretation clause.— In this Act, unless there is anything repugnant in the subject or context,

(1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(2) "forest officer" means any person whom[1] [***], the [2][State Government] or any officer empowered by[1][***] the [2][State Government] in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest Officer;

(3) "forest offence" means an offence punishable under this Act or under any rule made thereunder;

(4) "forest-produce" includes

(a) the following whether found in, or brought from, a forest or not, that is to say,– timber, charcoal, caoutchouc, catechu, woodoil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, [3][kuth], and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say,

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[1] This Act extended to Goa, Daman and Diu by Regulation 11 of 1963.

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees;[2]

[3] (b) the following when found in, or brought from, a forest, that is to say,

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants;

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);

[4][(4-A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such Court;]

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "timber" includes trees when they have fallen, or have been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms, bamboos, skumps brush-wood and canes.

CHAPTER II

Of Reserved Forests

3. Powers to reserve forests.— The [5][State Government] may constitute any forest-land or wasteland 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 reserve forest in the manner hereinafter provided.

4. Notification by State Government.— (1) Whenever it has been decided to constitute any land a reserved forest the [5][State Government shall issue a notification in the [6][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 right 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.

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[2] This Act extended to Goa, Daman and Diu by Regulation 11 of 1963.
[3] This Act extended to Goa, Daman and Diu by Regulation 11 of 1963.

5. Bar of accrual of forest rights.— After the issue of notification under Sec. 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 the [5][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 such land except in accordance with such rules as may be made by the [6][State Government] in this behalf.

6. Proclamation by Forest Settlement Officer.— When a notification has been issued under Sec. 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 ensure 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 Sec.4 or Sec. 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.

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

8. Powers of Forest Settlement Officer.— 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, upontany 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.

9. Extinction of rights.— Rights in respect of which no claim has been preferred under Sec. 6, and of the existence of which no knowledge has been acquired by inquiry under Sec. 7, shall be extinguished unless, before the notification under Sec. 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 Sec. 6.

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 [1][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, the [1][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,

(b) by causing certain portion 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 to the [1][State Government]

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the State Government.

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 a right of pasture, or a right to forest-produce or a watercourse, 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 9.894).

(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 Sec. 9 of the 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.

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.

13. Record to be made by Forest Settlement Officer.— The Forest Settlement Officer, when passing any order under Sec. 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.

14. Record where he admits claim.— If the Forest Settlement Officer admits in whole or in part any claim under Sec. 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.

15. Exercise of rights admitted.— (1) After making such record the Forest Settlement Officer shall, to the best of his ability, and 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].

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 Sec. 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the [1][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

17. Appeal from order passed under Sec. 11, sec. 12, Sec. 15, or Sec. 16.— Any person who has made a claim under this Act, or any Forest Officer or other person generally or specially empowered by the ' [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 Sec. 11, Sec. 12, Sec. 15 or Sec. 16, present an appeal from such order to

such officer of the Revenue Department, of rank not lower than that of a Collector, as the [1][State Government] may, by notification in the [2][Official Gazette], appoint to hear appeals from such order]:

Provided that the [1][State Government] may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the [1][State Government], and when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under Sec. 17.— (1) Every appeal under Sec. 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 Sec. 17 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 of Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the [3][State Government], be final.

19. Pleaders.— The [3][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.

20. Notification declaring forest reserved.— (1) When the following events have occurred, namely:

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

(b) if any such claims have been made, the period limited by Sec. 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 Sec. 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under Sec. 16 of that Act,

the [3][State Government] shall publish a notification in the [4][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.

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.

22. Power to revise arrangement made under Sec. 15 or Sec. 18.— The [2][State Government] may, within five years from the publication of any notification under Sec. 20, revise any arrangement made under Sec. 15 or Sec. 18, and may for this purpose rescind or modify any order made under Sec. 15 or Sec. 18, and direct that any one of the proceedings, specified in Sec. 15 be taken in lieu of any other of such proceedings, or that the rights admitted under Sec: 12 be commuted under Sec. 16.

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 the [3][Government] or some person in whom such right was vested when the notification under Sec. 20 was issued.

24. Rights not to be alienated without sanction.— (1) Notwithstanding anything contained in Sec. 23 no right continued under Cl. (c) of sub-section (2) of Sec. 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the sanction of the [4][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 Sec. 14.

25. Power to stop ways and watercourses in reserved forests.— The Forest Officer may, with. the previous sanction of the [1][State Government] or of any officer duly authorized by it in this behalf, stop any public or private way or watercourse in a reserved forest, provided that a substitute for the way or watercourse so stopped, which the [1][State Government] deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest Officer in lieu thereof.

26. Acts prohibited in such forests[2].— (1) Any person who,

(a) makes any fresh clearing prohibited by Sec. 5; or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the [1][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 season 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, taps 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 the [1][State Government] hunts, shoots, fishes, poisons, water or sets traps or snares; or

(j) in any area in which the Elephants' Preservation Act, 1879 (VI 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) any act done by permission in writing of the Forest Officer, or under any rule made by the [1][State Government]; or

(b) the exercise of any right continued under Cl. (c) of sub-section (2) of Sec. 15, or created by grant or contract in writing made by or on behalf of the [3][Government] under Sec. 23.

(3) Whenever fire is caused wilfuly or by gross negligence in a reserved forest, the [1][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.

27. Power to declare forest no longer reserved.— (1) The [3][State Government may, [4](***) by notification, in the [5](Official Gazette), direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this 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.

CHAPTER III

Of Village-Forests

28. Formation of village-forests.— (1) The [3][State Government] may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

(2) The [1][State Government] may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

CHAPTER IV

Of Protected Forests

29. Protected forests.— (1) The [1][State Government] may, by notification in the [2][Official Gazette] declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest but 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.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the [1][State Government] thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that if, in the case of any forest-land or waste-land, the [1][State Government] thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the [1][State Government] may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. Power to issue notification reserving trees, [6]etc.— The [1][State Government] may, by notification in the [2][Official Gazette],–

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years as the [1][State Government] thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such terms, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for buildings, for herding cattle or for any other purpose, of any land in any such forest.

31. Publication of translation of such notification in neighbourhood.— The Collector shall cause a translation into the local vernacular of every notification issued under Sec. 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. Power to make rules for protected forests.—The [1][State Government] may make rules to regulate the following matters, namely:

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;

(b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;

(c) the granting of licences to the persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons;

(d) the payments, if any, to be made by the persons mentioned in Cls. (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(e) the other payments; if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(f) the examination of forest-produce passing out of such forests;

(g) the clearing and breaking up of land for cultivation or other purposes in such forests;

(h) the protection from fire of timber lying in such forests and of trees reserved under Sec. 30;

(i) the cutting of grass and pasturing of cattle in such forests;

(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephants' Preservation Act, 1879 (VI of 1879) is not in force;

(k) the protection and management of any portion of a forest closed under Sec. 30; and

(l) the exercise of rights referred to in Sec. 29.

33. Penalties for acts in contravention of notification under Sec. 30 or of rules under Sec. 32.— (1) Any person who commits any of following offences, namely:—

(a) fells, girdles, lops, taps or burns any tree reserved under Sec. 30 or strips off the barks or leaves from or otherwise damages, any such trees;

(b) contrary to any prohibition under Sec. 30, quarries any stone, or burns any lime or charcoal or collects, subjects to any manufacturing process, or removes, any forest-produce;

(c) contrary to any prohibition under Sec. 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;

(d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under Sec- 30, whether standing, fallen or felled, or to any closed portion of such forest;

(e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;

(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;

(g) permits cattle to damage any such tree; and

(h) infringes any rule made under Sec. 32;

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.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the [2][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 any fight of pasture or to forest-produce shall be suspended for such period as it thinks fit.

34. Nothing in this Chapter to prohibit acts done in certain cases.—Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest Officer, or in accordance with rules made under Sec. 32, or, except as regards any portion of a forest closed under Sec. 30, or as regards any rights the exercise of which has been suspended under Sec. 33, in the exercise of any right recorded under Sec. 29.

CHAPTER V

Of The Control Over Forests And Lands Not Being The Property Of Government

[2][**35. Protection of forests for special purposes.**— (1) The [3][State Government] may, by notification in the [4][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 public health.

(2) The [3][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 subsection (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 [3][State Government].

36. Power to assume management of forests.— (1) In case of neglect of or wilful disobedience to any regulation or prohibition under Sec. 35, or if the purposes of any work to be constructed under that section so require, the [3][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.

37. Expropriation of forests in certain cases.— In any case under this Chapter in which the [3][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, the [3][State Government] may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894 (I of 1984).

(2) The owner of any forest or land comprised in any notification under sec. 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 the [3][State Government] shall acquire such forest or land accordingly.

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, [3][State Government] may, by notification in the [8][Official Gazette], apply to such land and such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER VI

Of The Duty On Timber And Other Forest-Produce

39. Power to impose duty on timber and other forest-produce.— (1) The [2][Central Government] may levy a duty in such manner, at such places and at such rates

as it may declare by notification in the [3][Official Gazette] on all timber or other forest-produce-

(a) which is produced in [4][the territories to which this Act extends], and in respect of which [5][the Government] has any right;

(b) which is brought from any place outside [4][the territories to which this Act extends].

[6][* * * * *]

(2) In every case in which such duty is directed to be levied ad valorem, the [2][Central Government] may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest-produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the [7][State Government] shall be deemed to be and to have been duly levied under the provisions of this Act.

[7](4) Notwithstanding anything in this section, the [8][State Government] may until provision to the contrary is made by the [9][Parliament] continue to levy any duty which it was lawfully levying before the commencement of the [10][Constitution], under this section as then in force:

Provided that nothing in this sub-section authorizes the levy of any duty which as between timber or other forest-produce of the State and similar produce of the locality outside the [7][State], discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the [7][State] discriminates between timber or other forest-produce of one locality and similar timber or other forest-produce of another locality].

40. Limit not to apply to purchase-money or royalty.— Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

Of The Control Of Timber And Other Forest-Produce In Transit

41. Power to make rules to regulate transit of forest-produce.— (1) The control of all rivers and their banks as regards the floating of timber as well as the control of all timber and other forest-produce in transit by land or water, is vested in the [4][State Government], and it may make rules to regulate the transit of all timber and other forest-produce.

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

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[4] Subs. by A. O. 1950.

(a) Prescribe the routes by which alone timber or other forest-produce may imported, exported or moved into, from or within [4][the State];[5]

(b) Prohibit the import or export or moving of such timber or other produce witho pass from an officer duly authorized to issue the same, or otherwise than in accorda with the conditions of such pass;

(c) Provide for the issue, production and return of such passes and for the paym of fees therefor;

(d) Provide for the stoppage, reporting, examination and marking of timber or ot forest-produce in transit, in respect of which there is reason to believe that any mo is payable to [5][the Government] on account of the price thereof, or on account of duty, fee royalty or charge due thereon, or to which it is desirable for the purpose this Act to affix a mark;

(e) Provide for the establishment and regulation of depots to which such timbe other produce shall be taken by those in charge of it for examination, or for payment of such money, or in order that such marks may be affixed to it; and conditions under which such timber or other produce shall be brought to, stored at removed from such depots;

(f) Prohibit the closing up or obstructing of the channel or banks of any river u for the transit of timber or other forest produce, and the throwing of grass, brushwo branches or leaves into any such river or any act which may cause such river to closed or obstructed;

(g) Provide for the prevention or removal of any obstruction of the channel or ba of any such river, and for recovering the cost of such prevention or removal from person whose acts or negligence necessitated the same;

(h) Prohibit absolutely or subject to conditions, within specified local limits, establishment of saw-pits, [2][saw mills and sawing contrivances] the converti cutting, burning, concealing or making of timber, the altering or effacing of any ma on the same, or the possession or carrying of marking hammers or other impleme used for marking timber;

[3][(ha) Regulating by grant of licenses within specified limits, the converting cutting of timber in a saw mill and sawing contrivances and prescribe fees conditions subject to which such licenses may be granted].

(i) Regulate the use of property marks of timber, and the registration of such ma prescribe the time for which such registration shall hold good; limit the number of s marks that may be registered by any one person, and provide for the levy of fees such registration.

(3) The [4][State Government] may direct that any rule made under this section shall apply to any specified class of timber or other forest produce or to any specified lo area.

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[5] Subs. by A. O. 1950.

[6][41.-A. **Powers of Central Government as to movements of timber across customs frontiers.**— Notwithstanding anything in Sec. 41, the Central Government may make rules to prescribe the route by which alone timber or other forest produce may be imported, exported or moved into or [6][from the territories to which this Act extends] across any customs frontier as defined by the Central Government, and any rules made under Sec. 41 shall have effect subject to the rules made under this section.]

42. Penalty for breach of rules made under sec. 41.— (1) The [6A][State Government] may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extent to [7][one year] or fine which may extend to [7][one thousand rupees], or both.

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

43. Government and Officers not liable for damage to forest produce at depot.—The [8][Government] shall not be responsible for any loss or damage which may occur in respect of any timber or other forest produce while at a depot established under a rule made under sec. 41, or while detained elsewhere for the purposes of this Act; and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

44. All persons bound to aid in case of accident at depot.— In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the [8][Government] or by any private persons, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

Of The Collection Of Drift And Stranded Timber

45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.— (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 sec. 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the [8][State Government] directs all unmarked wood and timber; shall be deemed to be property of Government, unless and until any person establishes his rights and title thereto, as provided in this chapter.

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[6] Subs- by A. O. 1956.

[6A] Subs. by A. O. 1937.

[7] The words "one year" and "one thousand rupees" have been substituted for the words "six months" and "five hundred rupees", respectively, by (Goa Amendment) Act, 1988 (Act No. 15 of 1999) (0. G. Series I No. 19 dated 10-8- 1989).

[8] Subs- by A. O. 1950.

(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) The [7][State Government) may, by notification in the [9][Official Gazette], exempt any class of timber from the provisions of this 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.

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 recording 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 whom 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 the [1][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.[8]

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

49. Government and its officers not liable for damage to such timbers.—[10][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.

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[9] Subs. by A. O. 1950.

[10] Subs. by A. O. 1950.

50. Payment 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 it such sum on account thereof as may be due under any rule made under Section 51.

51. Power to make rules and prescribe penalties.— (1) The [11][State Government] may 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, disposing of such timber, and

(d) the use and registration of hammers and other instruments to be used for making such timber.

[12][...]

(2) The [13][State Government] may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to [14][one year], or fine which may extend to [14][one thousand rupees]; or both.

52. Seizure of property liable to confiscation.— (1) When there is reason to believe that a forest offence has been committed - in respect of any forest produce, such produce, together with all tools, boats, carts [15][cattle, vehicles or any contrivances used] in committing any such offence, may be seized by any Forest Officer or Police Officer.

[16][(1A) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle or cart has been or is being used for the transport of forest produce in respect of which there is a reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle or cart to stop the vehicle or cart and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle or cart and inspect all records relating to the forest produce carried, which are in the possession of such driver or other person in charge of the vehicle or cart or any other person in the vehicle or cart],

[17][(2) Every Officer seizing any property under this section, shall place on such property or the receptacle of vehicle (if any) in which it is contained, a mark indicating that the same has been so seized and make a report of such seizure.

(a) where the offence on account of which seizure has been made, is in respect of timber, firewood, charcoal or any forest-produce which is the property of Government, to the concerned authorized officer under section 61A; and

(b) in other cases, to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;[9]

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[11] Subs. by A. O. 1950.
[12] Subs. by A. O. 1937.
[13] Subs. by A. O. 1950.

Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his superior officer].

53. Power to release property seized under Sec, 52.— Any Forest Officer of a rank not inferior to that of a Ranger who, or whose sub-ordinate has seized any tools, boats, carts, or [18][vehicle, cattle, or any other contrivance under Section 52, may subject to the provision of section 61G release] the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

54. Procedure thereupon.— Upon the receipt of any such report, the Magistrate shall with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

55. Forest produce tools, etc., when liable to confiscation.— (1) All timber or forest produce which is not the property of Government and in respect of which a forest offence has been committed, and all tools boats, carts and cattle used in committing any forest offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. Disposal, on conclusion of trial for forest offence, of produce, in respect of which it was committed.— When the trial of any forest offence is concluded, any forest produce in respect of which such offence has been committed shall, if it is the property

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[14] Clause (e) omitted [by] (Goa A mend me n (0 Art)( )89 (Act No. 2 o 1 1990) (O. G. Series I No. 52 dated 29-3-1990). The omitted clause reads as follows:-

"(e) any other matter which is to be or may be prescribed or in respect of which provision is to be or may be. made by rules". "Subs. by A. 0. 1950.

"These words have been substituted for the words "six months" and "five hundred rupees" vide (Goa Amendment) Act. 1988 (Act 15 of 1989) (O. G. Series I N. 19 dated 10-8-1989).

[15]These words have been substituted for the words "or cattle" Ibid.

[16]Sub-Section (2) substituted Ibid. The original vide (Goa Amendment) Act, 1988 (Act 15 of 1989) (O. G. Series I No. 19 dt. 10-8-1989).

[17]Sub-Section (2) substituted Ibid. The original sub-section (2) reads as follows:

"(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which offence is believed to have been committed as the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior".

[18] These words substituted for the words "or cattle under section 52, may release" by (Goa Amendment) Act, 1988 (Act 15 of 1989) (O.G. Series I No. 19 dt. 10-8-1989).

[19] The words "has been confiscated" and "in any other case may be disposed" have been substituted by the words "has been forfeited" and "in any other case may, subject to the provisions of section 61G, be disposed", by (Goa Amendment) Act, 1988 (Act 15 of 1989) (O.G. Series I No. 19 dt. 10-8-1989).

of Government or [19][has been forfeited], be taken charge of by a Forest Officer, and, [19][in any other case, may subject to provisions of section 61G, be disposed] of in such manner as the Court may direct.

57. Procedure when offender not known, or cannot be found.— When the offender is not known or cannot be found, the Magistrate may, if.— When he finds that an offence has been committed [20][subject to the provisions of section 61G] order the property in respect of which the offence has been committed [21][to be forfeited to the Government together with the tools, boats, vehicle, carts, or cattle and other articles used in committing the offence] and taken charge of by the Forest Officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiration of [22][45 days] from the date of seizing such property, or without hearing the person, if any, claming any right thereto, and the evidence, if any, which he may produce in support of his claim.

[23][**58. Procedure as to perishable property seized under section 52.**— The Forest Officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell the property if it is subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold and shall report every such sale to his superior officer].

59. Appeal from orders under Section 55, Section 56 or Section 57. — The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within [24][45 days] from the date of any order passed under Section 65, Section 56, or Section 57 appeal therefrom to the Court to which orders made, by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final,

60. Property when to vest in Government.— When an order for the [25][confiscation or forfeiture] of any property has been passed under Section 55 or Section 57, as the case may be, and the period limited by Section 59 for an appeal from such

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[20] These words have been inserted, Ibid.

[21] These words have been substituted for the words "to the confiscated", Ibid.

[22] The figures and words "45 days" have been substituted for the words "one month" by (Goa Amendment) Act, 1988 (Act 15 of 1989) (0. G. Series I No. 19 dated 10-8-1989).

[23] Section 58 has been substituted, Ibid. The original section 58 reads as follows:

> [23] 58. Procedure as to perishable property seized under Section 52.— The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under Section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold."

[24] The figures and word "45 days" have been substituted for the words "one month", Ibid.

[25] The word "confiscated" has been substituted by the words "confiscation or forfeiture" vide (Goa Amendment) Act, 1988 (Act 2 of 1990) (O. G. Series I No. 52 dt. 29-3-1990).

[26] Subs. by A. O. 1950.

[27] These words have been substituted for the words "under Section 52" by (Goa Amendment) Act, 1988 (Act 15 of 1989) (O.G. Series I No. 19 dt. 10-8-1989).

[28] Sections 61A to 61G have been inserted Ibid.

order has elapsed, and no such appeal has been preferred, or when on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all encumbrances.

61. Saving of power to release property seized.— Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the [26][State Government] from directing at any time the immediate release of any property seized [27][under Section 52 which is not the property of the Government and the withdrawal of any charge made in respect of such property].

[28][**61A. Confiscation by Forest Officer in certain cases.**— (1) Notwithstanding anything contained in the foregoing provisions of this Chapter or any other law for the time being in force, where a forest offence is believed to have been committed in respect of forest produce which is the property of the Government, the officer seizing the property under sub-section (1) of section 52 shall, without any unreasonable delay, produce it, together with all tools, ropes, chains, boats, vehicles,. carts and cattle used in committing such offence before an officer authorized by the Government in this, behalf, by notification .in the Official Gazette, not being below the rank of an Assistant Conservator of Forest (hereinafter referred to as the 'authorized officer').

(2) Where an authorized officer seizes under sub-section (1) of section 52, any forest produce which is the property of the Government or any such property is produced before the authorized officer under sub-section (1) and once he is satisfied that a forest offence has been committed in respect of, such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles, carts, cattle and other contrivances used in the commission of such offence.

(3) Where the authorized officer, after passing an order of confiscation under sub-section (2) is of the opinion that it is expedient in the public interest so to do, he may, order the confiscated property or any part thereof to be sold by public auction.

(4) Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of such auction or other incidental expenses relating thereto, shall, where the order of confiscation, made under section 61A is set aside or annulled by an order under section 61C or 61D, be paid to the owner thereof or to the person from whom it was seized as may be specified in such order.

61 B. Issue of show-cause notice before confiscation under section 61A.— (1) No order confiscating any forest produce or tools, ropes, chains, boats, vehicles, carts, cattle or any contrivances shall be made under section 61A except after notice in writing to the person from whom it was seized and considering his objections, if any:

Provided that, no order confiscating a motor vehicle shall be made except, after giving a notice in writing to the registered owner thereof if in the opinion of the authorized officer it is practicable to do so and considering his objections, if any.

(2) Without prejudice to the provisions of sub--section (1), no order shall be made under section 61A, if the owner of the tools, rope, chains, boats vehicles, carts, cattle or any other contrivance, proves to the satisfaction of the authorized officer that it was

used in carrying forest-produce without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle, cart and cattle or any other contrivance and that each of them had taken all reasonable and necessary precautions against such use.

61 C. Revision.— Any Forest Officer not below the rank of Deputy Conservator of Forest specially empowered by the Government in this behalf, by notification in the Official Gazette, may, before the expiry of ninety days from the date of the order of the authorized officer under section 61 A, give and call for and examine the records of that order and may make such enquiry or cause such enquiry to be made and may pass such order as he deems fit:

Provided that, no such order prejudicial to a person shall be passed under this section without giving him, an opportunity of being heard.

61 D. Appeal.— (1) Any person aggrieved by any order passed under section 41, 61A or section. 61C, may within forty five days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity of being heard to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, pass such order as he may think fit, confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under sub-section (1) shall be final and shall not be questioned in any Court of Law.

61 E. Order of confiscation or seizure to interfere with other punishment.— The order of any confiscation or seizure under section 41, 61A or section 61C or section 61D shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

61 F. Property confiscated when to vest in Government.— When an order for confiscation or seizure of any property has been passed under section 41, 61A or 61C or 61D and such order has become final in respect of the whole or any portion of it or if it has been sold under sub-section (3) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the Government free from all encumbrances.

61 G. Bar of Jurisdiction in certain cases. —Whenever any forest produce belonging to the Government together with any tool, rope, chain, boat, vehicle, cart, cattle or any other contrivance used in committing any offences is seized under sub-section (1) of section 52, the authorised officer under section 61A or the officer specially empowered under section 61C of the Sessions Judge hearing an appeal under section 61D shall have and notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or in any other law for the time being in force, any other officer, court, tribunal or authority shall not have jurisdiction to make an order with regard to the custody, possession, delivery or distribution of such property].

[29][62 - **Punishment for wrongful seizure**.— (1) Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property [30][on pretence of seizing property] liable to forfeiture under this Act, shall on conviction be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed or any portion thereof, shall, if the convicting Court so directs be given as compensation to the person aggrieved by such seizure].

63. Penalty for counterfeiting or defacing marks on timber and for altering boundary-marks.— Whoever, with intent to cause, damage or injury to the public or any person, or to cause wrongful gain as defined in the Indian Penal Code (XIV of 1860)—

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officer to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person, or

(b) alters, defaces or obliterates any such mark placed on a tree or timber by or under the authority of a Forest Officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

64. Power to arrest without warrant.— (1) Any Forest Officer or Police Officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards..

(2) Every Officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the persons arrested before the Magistrate having jurisdiction in the case, or to the officer-in-charge of the nearest Police station.

(3) Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under Clause (c) of Section 30.

65. Power to release on a bond a person arrested.— Any Forest Officer of a rank not inferior to that of a Ranger, who, or whose subordinate has arrested any person under the provisions of Section 61, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest police station.

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[29] Section 62 substituted by (Goa Amendment) Act, 1988 (Act 15 of 1989) (O. G. Series I No. 19 dt. 10-8-1989). The original Section 62 reads as follows:

"62 Punishment for wrongful seizure.– Any Forest Officer or Police Officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act 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".

[30] These words have been inserted Ibid.

66. **Power to prevent commission of offence.**— Every Forest Officer and Police Officer shall prevent, and may interfere for the purpose of preventing the commission of any forest-offence.

67. **Power to try offences summarily.**— The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the [31][State Government] may try summarily, under the Code of Criminal Procedure, 1898 (V of 1898), any forest offence punishable with imprisonment for a term not Exceeding six months, or fine not exceeding five hundred rupees, or both.

68. Power to compound offence.—The [32](State Government] may [33][subject to such conditions as may be specified] by notification in the [34][Official Gazette], empower a Forest Officer—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed [35][any forest offence] [36][...]other than an offence specified in Section 62 or Section 63, a sum of money `[not exceeding ten thousand rupees] by way of compensation for the offence which such person is suspected to have committed, and

`[10][(b) when any property has been seized as liable to confiscation subject to the provision of section 61G, to release the same on payment of the value thereof as estimated by such officer].

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and' the sum of money accepted as compensation under Clause (a) of sub-section (1) shall ,n no case exceed the sum of fifty rupees.

69. **Presumption that forest-produce belongs to Government.**— When in any proceedings taken tinder this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government, until the contrary is proved.

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[31] Subs. by A. O. 1950.
[32] Subs. by A. O. 1950.
[33] Thse words have been inserted by (Goa Amendment) Act, 1989 (Act 15 of 1989) (O.G. Series I No. 19 dt. 10-8-1989).
[34] The words "any forest offence under this Act" have been inserted Ibid.
[35] Subs. by A. O. 1997.
[36] The words "under this Act" have been deleted by (Goa Second Amendment) Act, 1989 (Act 2 of 1990) (O. G. Series I No. 52 dt. 29-3-1990).
[37] Sub-clause (b) has been substituted by (Goa Second Amendment) Act, 1989 (Act 2 of 1990) (O. G. Series I No. 52 dt. 29-3-1990). The original clause (b) read as follows:
"(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer".

CHAPTER X

Cattle Trespass

70. Cattle Trespass Act, 1871, to apply.— Cattle trespassing in a reserved forest or in any portion of the protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of Sec. 11 of the Cattle Trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by any Forest Officer or Police Officer.

71. Power to alter fines fixed under that Act.— The [5][State Government] may, by notification in the, [6][Official Gazette], direct that, in lieu of the fines fixed under Section 12 of the Cattle Trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under Section 70 of this Act, such fines as it thinks fit, but not exceeding the following, that is to say,—

For each elephant	—Ten rupees.
For each buffalo or camel	—Two rupees.
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	— One rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	— Eight annas.

CHAPTER XI

Of Forest Officers

72. State Government may invest Forest Officers with certain powers.— (1) The [4][State Government) may 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 a 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 Code of Criminal Procedure, 1898 (V of 1898)[5]; or

(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under Cl. (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.

73. Forest Officers deemed to be public servants.— All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

74. **Indemnity for acts done in good faith.**— No suit shall he against any public servant for anything done by him in good faith under this Act.

75. **Forest Officers not to trade.**— Except with the permission in writing of the [3][State Government] no Forest Officer, shall, as principal or agent, trade in timber or other forest-produce, or become interested in any lease of any forest or in any contract for working any forest, whether in or outside [3][the territories to which this Act extends.].

CHAPTER XII

Subsidiary Rules

76. **Additional powers to make rules.**— The [4][State Government] may make rules,—

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

(b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;

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

(d) generally, to carry out the provisions of this Act.

77. **Penalties for breach of rules.**— Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

78. **Rules when to have force of law.**— All rules made by the [1][State Government] under this Act shall be published in the [2][Official Gazette], and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

Miscellaneous

79. **Persons bound to assist Forest Officer and Police Officer.**— (1) Every person who exercises any right in a reserved or protected forest or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such 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 [6][Government], or who receives emoluments from the [6][Government] for the 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 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 or protected 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 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

80. Management of forests the joint property of Government and other persons.— (1) If the Government and any person be jointly interested in any forest or waste-land, or in 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 [1][State Government] undertakes under Cl, (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the [2][Official Gazette], 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.

81. Failure to perform service for which a share in produce of Government forest is employed.— If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition 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 [4][State Government] that such service is no longer so performed :

Provided that no such share 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 [4][State Government].

82. Recovery of money due to Government.— All money payable to the Government under this Act, or under any rules 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 under the law for the time being in force as if it were an arrear of land revenue.

83. Lien on forest-produce for such money.— (1) when any such money 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 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 the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to [4][Government].

84. Land acquired under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894.— Whenever it appears to the [4][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 Sec. 4 of the Land Acquisition Act, 1894 (1 of 1894).

85. Recovery of penalties due under bond. — 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 breach of the conditions thereof may, notwithstanding anything in Sec. 74 of the Indian Contract Act, 1872 (IX of 1872), be recovered from him in case of such breach as if it were an arrear of land-revenue-

[5][**85-A. Saving for rights of Central Government.** — Nothing in this Act shall authorize a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.

LAW DEPARTMENT

Notice

L. D. 12/66

1. The following rules are proposed to be made by the Government of Goa , Daman and Diu under sections 26, 32, 42, 51 and 76 of the Indian Forest Act, 1927.

2. It is proposed to bring the rules into force on 15th of March, 1965.

3. Any suggestions will be received by the Government for consideration before 20th of March, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

THE GOA, DAMAN AND DIU FOREST RULES, 1964

In exercise of the powers conferred by sections 26, 32, 41, 42, 51 and 76 of the Indian Forest Act, 1927 (XVI of 1927), and of all other powers enabling it in this behalf and in supersession of all previous rules made in this behalf, the Government of Goa, Daman and Diu is pleased to make the following rules:—

CHAPTER I

Preliminary

1. Short title and extent.— These rules shall be called the Goa, Daman and Diu Forest Rules, 1964,

and shall apply to the territory of Goa, Daman and Diu.

2. Interpretation.— In these rules, unless there is anything repugnant in the subject or context.

(a) "Act" means the Indian Forest Act, 1927;

(b) The expression "Protected animal" means an animal killing of which has been prohibited under these rules;

(c) "Section" means a Section of the Act; and

(d) all words and expressions used nut not defined in these rules shall have the meanings assigned to them in the Act.

CHAPTER II

Protection Of Reserved Forests From Fire

"Section 26 (1) (b)"

3. Kindling, etc., of fire on roads or paths adjoining or passing though reserved forests prohibited.— Except at such places as from time to time be notified locally by the Divisional Forest Officer, no person shall kindle any fire or leave any fire burning upon any public or private road or path which adjoins or passes through a reserved forest but does not form part of such forest.

4. Precautions to be taken in making ash-manure near a reserved forest.— No person shall ignite materials for making ash-manure in any field within two hundred yards from the boundary of a reserved forest, unless:—