

THE BURMA FOREST ACT, 1881.

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SCHEDULE.—ENACTMENTS REPEALED.

ACT No. XIX OF 1881.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 31st August, 1881.)

An Act to amend the law relating to Forests, Forest-produce, and the duty leviable on Timber in British Burma.

WHEREAS it is expedient to amend the law relating to forests, forest-produce, and the duty leviable on timber in British Burma; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Forest Act, 1881":

Short title.

It extends to all the territories for the time being administered by the Chief Commissioner of British Burma, provided that the Chief Commissioner may, by notification in the official Gazette, exempt any place from its operation; but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption; and

Local extent.

it shall come into force on such day as the Chief Commissioner may, by notification in the official Gazette, direct.

Commencement.

2. On and from such day the enactments and rules mentioned in the schedule hereto annexed shall be repealed to the extent mentioned in the third column of the same schedule.

Repeal of enactments.

3. In

Interpreta-
tion-clause.

3. In this Act, and in all rules made hereunder, unless there is something repugnant in the subject or context,—

“ Forest-
officer : ”

“ Forest-officer ” means all persons appointed by name or as holding an office by or under the orders of the Governor General in Council or the Chief Commissioner to be—

Conservators, Deputy Conservators, Assistant Conservators, Sub-Assistant Conservators, Forest-rangers, Foresters, or Forest-guards, or to discharge any function of a Forest-officer under this Act or any rule made hereunder :

“ tree : ”

“ tree ” includes also bamboos, stumps and brush-wood :

“ timber : ”

“ 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 :

“ forest-pro-
duce : ”

“ forest-produce ” includes the following things when found in, or brought from, a forest (that is to say) :—

minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey and wax ;

“ forest-
offence : ”

“ forest-offence ” means an offence punishable under this Act or any rule made hereunder :

“ cattle : ”

“ cattle ” includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids :

“ river : ”

“ river ” includes also streams, canals, creeks and other channels, natural or artificial :

“ land at the
disposal of
Govern-
ment : ”

“ land at the disposal of Government ” means

(a) land in respect of which no person has acquired the status of a land-holder under section seven of the Burma Land and Revenue Act, 1876,

(b) land

(b) land in respect of which no person has acquired any right created by grant or lease made by, or on behalf of, the British Government:

“Magistrate” means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Chief Commissioner to try forest-offences.

“Magistrate.”

4. Nothing in the Burma Land and Revenue Act, 1876, shall be deemed to affect or ever to have affected any right by which one person is entitled to remove and appropriate, for his own profit, any part of the soil belonging to another person or to the Government, or anything growing in, or attached to, or subsisting upon, the land of another person or of the Government.

Saving of rights of profit from the Burma Land and Revenue Act, 1876.

CHAPTER II.

OF RESERVED FORESTS.

5. The Chief Commissioner may constitute any land at the disposal of Government a reserved forest in manner hereinafter provided.

Power to reserve forests.

6. Whenever it is proposed to constitute any land a reserved forest, the Chief Commissioner shall publish a notification in the official Gazette—

Notification by Chief Commissioner.

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

(b) declaring that it is proposed to constitute such land a reserved forest;

(c) appointing an officer (hereinafter called “the Forest-Settlement-officer”) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favor of, any person in or over any land comprised within such limits, and any claims relating to the practice within such limits of *toungya* cultivation, and to deal with the same as provided in this chapter.

The

The officer appointed under clause (e) of this section shall ordinarily be a person other than a Forest-officer; but a Forest-officer may be appointed by the Chief Commissioner to assist the Forest-Settlement-officer in the inquiry prescribed by this chapter.

Proclamation
by Forest-
Settlement-
officer.

7. When a notification has been published under section six, the Forest-Settlement-officer shall publish in the language of the country, at the head-quarters of each township in which any portion of the land comprised in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(a) specifying as nearly as possible the situation and limits of the proposed forest;

(b) setting forth the substance of the provisions of section eight;

(c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(d) fixing a period of not less than three months from the date of publishing such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section six either to present to such officer within such period a written notice specifying, or to appear before him within such period and state, the nature of such right or claim.

Bar of accrual
of forest-
rights.

8. During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be reserved as hereinafter provided, 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 Government or some person in whom such right, or power to create the same, was vested when the proclamation was published; and, on such land, no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made,
and

Prohibition
of building,
clearing, &c.

and no trees shall be cut for the purpose of trade or manufacture, except as hereinafter provided.

Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-Settlement-officer, or any clearings lawfully made for toungya cultivation by persons in the habit of practising such cultivation on such land.

9. The Forest-Settlement-officer shall take down in writing all statements made under section seven, and shall inquire into all claims made under that section, and the existence of any right or practice mentioned in section six in respect of which no claim is made. The Forest-Settlement-officer shall at the same time consider and record any objection which the Forest-officer (if any), appointed under section six to assist him, may make to any such claim or to the existence of any such right or practice.

Inquiry by
Forest-
Settlement-
officer.

10. For the purposes of such inquiry, the Forest-Settlement-officer may exercise the following powers (that is to say):—

Powers of
Forest-Set-
tlement-
officer.

(a) the powers of a demarcation-officer under The Burma Boundaries Act, 1880; and

(b) the powers conferred on a Civil Court by the Code of Civil Procedure for compelling the attendance of witnesses and the production of documents.

11. In the case of a claim relating to the practice of toungya cultivation, the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and permitting, or refusing to permit, such practice wholly or in part.

Claims relat-
ing to prac-
tice of toun-
gya cultiva-
tion how
dealt with.

If such practice is permitted wholly or in part, the Forest-Settlement-officer may—

(a) alter the limits of the proposed reserved forest 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) cause certain portions of the reserved forest to be separately demarcated, and give permission to the

the claimants to practice *toungya* cultivation under such rules and conditions as he may prescribe.

No right to practise *toungya* cultivation shall be deemed to be conferred by an order under this section permitting such practice, and, except with the sanction of the Chief Commissioner, such cultivation shall only be practised by the person to whom such permission is granted.

Power to
acquire land
over which
right is
claimed.

12. In the case of a claim to a right in or over any land other than the following rights :—

- (a) a right of way,
- (b) a right to a water-course, and to use of water,
- (c) a right of pasture, or to forest-produce,

the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

If such claim is admitted wholly or in part, the Forest-Settlement-officer may (1) come to an agreement with the claimant for the surrender of the right; or (2) exclude the land from the limits of the proposed forest; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.

For the purpose of so acquiring such land—

(i) the Forest-Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870;

(ii) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section nine of that Act;

(iii) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(iv) 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.

13. In

13. In the case of a claim to rights of the kind specified in clauses (a), (b) and (c) of section twelve, the Forest-Settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

Order on claims to rights of way, water-course, pasture, and to forest-produce.

When a claim to any such right is admitted, if the right is for the beneficial enjoyment of any land or buildings, he shall record the designation, position and area of such land, and the designation and position of such buildings.

Where the right is a right to forest-produce, he shall also record whether the forest-produce obtained by the exercise of such right may be sold or bartered, and such other particulars as may be necessary in order to define the nature, incidents and extent of the right.

14. When the Forest-Settlement-officer has admitted wholly or in part, and recorded under section thirteen, a claim to a right of pasture or to forest-produce, he shall as far as possible provide for the exercise of such right—

Provision for rights of pasture or to forest-produce admitted.

(a) by altering the limits of the proposed reserved forest so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimant;

(b) by recording an order continuing to the claimant a right of pasture or to forest-produce (as the case may be), subject to such rules as may be prescribed by the Chief Commissioner.

The order passed under clause (b) shall record, as far as practicable, the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the seasons during which, such pasture is permitted;

the quantity of timber or other forest-produce which the claimant is authorized to take or receive, the local limits within which, the season during which, and the mode in which, the taking of such produce is permitted; and

such

such other particulars as may be required in order to define the extent of the right which is continued, and the mode in which it may be exercised.

Commuta-
tion of such
rights.

15. Whenever any right of pasture or to forest-produce admitted under section thirteen is not provided for in one of the ways prescribed in section fourteen, the Forest-Settlement-officer shall, subject to such rules as the Chief Commissioner may prescribe in this behalf, commute such right by paying a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

For the purpose of granting land under this section, the Forest-Settlement-officer shall be deemed to be an Assistant Commissioner in charge of a subdivision.

Appeal from
order passed
under forego-
ing sections.

16. Any person who has made a claim under this chapter may, within three months from the date of any order passed on such claim by the Forest-Settlement-officer under section eleven, twelve, thirteen, fourteen or fifteen, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Chief Commissioner may, by notification in the official Gazette, appoint by name, or as holding an office, to hear appeals from such orders.

Appeal under
section 16.

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

Hearing of
appeals.

Every such appeal shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue, and the order passed thereon by such officer shall be final, except as hereinafter provided.

Notification
declaring
forest re-
served.

18. When the following events have occurred (namely) :—

(a) the period fixed under section seven for preferring claims has elapsed, and all claims (if any) made

made within such period have been disposed of by the Forest-Settlement-officer, and

(b) if such claims have been made, the period fixed by section sixteen 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, and

(c) all lands (if any) to be included in the proposed forest, which the Forest-Settlement-officer has, under section twelve, elected to acquire under the Land Acquisition Act, 1870, have become vested in the Government under section sixteen of that Act,

the Chief Commissioner may publish a notification in the official Gazette, specifying the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From the date so fixed, such forest shall be deemed to be a reserved forest.

19. Rights in respect of which no claim has been preferred under section seven, and of the existence of which no knowledge has been acquired by enquiry under section nine, shall thereupon be extinguished, unless, before the publication of such notification, the person claiming them has satisfied the Forest-Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section seven.

Extinction of rights not claimed.

20. The Deputy Commissioner of the district in which the forest is situate shall, before the date fixed by such notification, cause a translation thereof in the language of the country to be published in the manner prescribed for the proclamation under section seven.

Publication of translation of such notification in neighbourhood of forest.

21. The Chief Commissioner may, within five years from the publication of any notification under section eighteen, revise any arrangement made under section eleven, fourteen or seventeen, and may rescind or modify any order made under this chapter, and direct

Power to revise arrangement made under section 11, 14 or 17.

direct that any one of the proceedings specified in section fourteen be taken in lieu of any other of such proceedings, or that the permission granted under section eleven, or rights admitted under section thirteen, be commuted under section fifteen.

No right acquired over reserved forest except as here provided.

22. 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 Government, or some person in whom such right, or the power to create such right, was vested when the notification under section eighteen was published.

Rights not to be alienated without sanction.

23. Notwithstanding anything herein contained, no right continued under section fourteen shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Chief Commissioner: provided that, when any such right is continued for the beneficial enjoyment of any land or house, it may be sold or otherwise alienated with such land or house without such sanction.

No timber or other forest-produce obtained in exercise of any right so continued shall be sold or bartered except to the extent defined by the order recorded under section fourteen.

Power to stop ways and water-courses in reserved forest.

24. Any Forest-officer may, from time to time, with the previous sanction of the Chief Commissioner or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest: provided that for the way or water-course so stopped, another way or water-course which in the opinion of the Chief Commissioner is equally convenient, already exists, or has been provided or constructed by such Forest-officer.

Penalties for trespass or damage in reserved forests.

25. Any person who in a reserved forest—

(a) trespasses, or pastures cattle, or permits cattle to trespass,

(b) causes any damage by negligence in felling any tree or cutting or dragging any timber,

(c) strips

(c) strips off the bark or leaves from or otherwise damages any tree,

(d) in contravention of any rules made by the Chief Commissioner, hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

26. Any person who—

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

(b) sets fire to a reserved forest, or kindles any fire, or, in contravention of any rules made by the Chief Commissioner, leaves any fire burning in such manner as to endanger the same,

or who, in a reserved forest,

(c) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest-officer specially empowered in this behalf may from time to time notify,

(d) fells, girdles, lops, taps or burns any tree,

(e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce,

(f) clears or breaks up any land for cultivation or any other purpose,

shall be punished 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.

27. Nothing in section twenty-five or section twenty-six shall be deemed to prohibit (a) any act done in accordance with any rule made by the Chief Commissioner or with the permission in writing of a Forest-officer specially empowered to grant such permission;

Acts prohibited in such forests.

Acts excepted from prohibition contained in sections 25 and 26.

mission; or (b) any practice of toungya cultivation permitted under section eleven; or (c) the exercise of any right continued under section fourteen or created by grant or contract in the manner described in section twenty-two.

Penalty for offences committed by persons having rights in reserved forests.

28. Whenever fire is caused wilfully or by gross negligence in a reserved forest by any person having rights in such forest, or having permission to practise toungya cultivation therein, or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of section twenty-three, the Chief Commissioner may (notwithstanding that a penalty has been inflicted under section twenty-six in respect of such fire) direct that in such forest or any specified portion thereof the exercise of all or any of the rights of pasture or to forest-produce shall be extinguished or suspended for such period as he thinks fit, and may withdraw any permission to practise toungya cultivation in such forest or portion.

Power to declare forest no longer reserved.

29. The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification in the local 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 reserved.

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.

Forests reserved under former rules.

30. Any forest which has been declared a reserved forest under any rules in force previous to the day on which this Act comes into force shall be deemed to have been reserved hereunder;

and all questions decided, orders issued and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued and prepared hereunder, and all provisions of this Act relating to reserved forests shall apply to such forest.

CHAPTER III.

CHAPTER III.

OF VILLAGE-FORESTS.

31. The Chief Commissioner may by notification in the official Gazette constitute any land at the disposal of Government a village-forest for the benefit of any village-community or group of village-communities, and may in like manner vary or cancel any such notification.

Constitution of village-forests.

Every such notification shall specify the limits of such village-forest.

32. All teak trees in a village-forest shall be deemed to be the property of Government; and no person shall cut, mark, lop, girdle, or injure by fire or otherwise, any such trees without the permission in writing of a Forest-officer specially empowered to grant such permission.

Teak trees in village forest the property of Government.

33. The Chief Commissioner may make rules for regulating the management of village-forests, prescribing the conditions under which the community or group of communities for the benefit of which any such forest is constituted may be provided with timber or other forest-produce or with pasture, and their duties in respect of the protection and improvement of such forest.

Power to make rules for village-forests.

The Chief Commissioner may, by such rules, declare any of the provisions of Chapter II of this Act to be applicable to village-forests.

34. Nothing in this chapter shall be deemed to affect any existing rights of any person in or over any village-forest.

Saving of private rights.

The Chief Commissioner may in any case direct that all claims to any such rights, other than the rights of the village-community or group of village communities for the benefit of which such village-forest is constituted, shall be inquired into, recorded and provided for in the manner prescribed by Chapter II of this Act.

Power to inquire into and deal with such rights.

CHAPTER IV.

CHAPTER IV.

OF THE PROTECTION OF CERTAIN TREES AND NATURAL
PRODUCE.Reserved
trees.

35. All teak trees standing on any land not included in a reserved or village-forest shall be deemed to be the property of Government and shall be reserved trees.

The Chief Commissioner may by notification in the official Gazette—

(a) declare that any other trees or any specified class of other trees standing on any land at the disposal of Government shall, from a date to be fixed by such notification, be reserved trees ;

(b) vary or cancel any such notification ;

(c) declare that any teak trees standing on land other than land at the disposal of Government shall, from a date to be fixed by such notification, cease to be the property of Government and to be reserved trees.

Protection of
reserved
trees.

36. No person shall cut, mark, lop, girdle, tap, or injure by fire or otherwise, any reserved tree, except as provided by rules made by the Chief Commissioner in this behalf, or with the permission in writing of a Forest-officer specially empowered to grant such permission.

Whoever cuts, marks, lops, girdles, taps, or injures by fire or otherwise, any reserved tree in contravention of this section shall be punished with fine which may extend to twenty rupees, or when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

Power to
make rules
generally.

37. No person shall make use of the pasturage or of the natural produce of any land at the disposal of Government and not included in a reserved or village-forest, except in accordance with rules which may be prescribed

prescribed by the Chief Commissioner. Such rules may, with respect to such land,—

(a) regulate or prohibit the cutting of toungyas, or the issue of grants or leases by Government with respect to land on which teak trees are growing ;

(b) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires ;

(c) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection and removal of natural produce ;

(d) regulate or prohibit the quarrying of stone, the boiling of catch, or the burning of lime or charcoal ;

(e) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments (if any) to be made for such cutting or pasturing ;

(f) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares ;

(g) regulate the sale or free grant of timber or other natural produce ; and

(h) prescribe, or authorize any Forest-officer to prescribe, subject to the control of the Chief Commissioner, the fees, royalties or other payments for such timber or other natural produce, and the manner in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

The Chief Commissioner may, by such rules, prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Penalties for acts in contravention of rules.

The Chief Commissioner may exempt any person or class of persons or any local area from the operation of any such rule, and may cancel such exemption.

38. Nothing in this chapter or in any rule made under this chapter shall be deemed to prohibit any

act

Nothing in this chapter to prohibit acts done in certain cases.

act done with the permission in writing of a Forest-officer specially empowered to grant such permission, or in the exercise of any right.

CHAPTER V.

OF THE DUTY ON TIMBER.

Power to impose duty on timber.

39. The Chief Commissioner may levy a duty, in such manner, at such places, and at such rates, as he may prescribe by notification in the official Gazette, on all timber which is brought into British Burma from any place beyond the frontier of British Burma.

Power to fix value for *ad valorem* duty.

In every case in which such duty is directed to be levied *ad valorem*, the Chief Commissioner may, by like notification, fix the value on which such duty shall be assessed.

Duty on certain timber floated down the Attaran.

40. On all teak timber cut within the limits of the Attaran Forest and floated down the Attaran river, duty shall be levied at the following rates, that is to say :—

	Rs.	A.	P.	
On logs above five feet in girth	...	4	0	0 per log.
Ditto below „ „	...	2	0	0 „
On stem pieces	...	0	9	0 per piece.
On ship crooks	...	0	4	0 per crook.

These rates shall not apply to timber for which special rates have been fixed by any agreement entered into with Government.

Power to exempt timber from duty.

41. The Chief Commissioner may exempt any timber from the duty to which it is liable under section thirty-nine or section forty, and revoke such exemption.

Provisions of chapter not to limit purchase-money or royalty.

42. Nothing in this chapter shall be deemed to limit the amount (if any) chargeable as purchase-money or royalty on any timber.

CHAPTER VI.

CHAPTER VI.

OF THE CONTROL OF TIMBER IN TRANSIT.

43. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber in transit by land or water, is vested in the Chief Commissioner, and he may make rules to regulate the transit of all timber. Power to make rules to regulate transit of timber.

Such rules may (among other matters)—

(a) prescribe the routes by which alone timber may be imported into, exported from, or moved within, British Burma ;

(b) prohibit the import and export or moving of such timber without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass :

(c) provide for the issue, production and return of such passes ;

(d) fix, or authorize any Forest-officer to fix, subject to the control of the Chief Commissioner, the fees payable for such passes ;

(e) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof, or not acting on behalf of such owner or of the Government ;

(f) provide for the stoppage, reporting, examination and marking of timber in transit in respect of which there is reason to believe that any money is payable to Government, or to which it is desirable, for the purposes of this Act, to affix a mark ;

(g) establish, or authorize any Forest-officer to establish, subject to the control of the Chief Commissioner, stations to which such timber shall be taken by those in charge of it for examination, or for the realization of such money, or in order that such mark may be affixed to it ; and the conditions

under

under which such timber shall be brought to, stored at, and removed from, such station ;

(h) provide for the management and control of such stations, and for regulating the appointment and duties of persons employed thereat ;

(i) authorize the transport of timber the property of Government across any land, and regulate the compensation to be paid for any damage done by the transport of such timber ;

(j) prohibit the closing up or obstruction of the channel or banks of any river used for the transit of timber, and the throwing of grass, brushwood, branches and leaves into any such river, or any other act which tends to cause the obstruction of such channel ;

(k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for recovering the cost of such prevention or removal, from the person, or by the sale of any timber, causing such obstruction ;

(l) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or supermarking of timber, the altering or effacing of any marks on the same, and possession or carrying of marking-hammers or other implements used for marking timber ;

(m) regulate the use of property-marks for timber, and the registration of such marks ; declare the circumstances in which the registration of any property-marks may be refused or cancelled ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

Penalties for
breach of
rules made
under section
43.

44. The Chief Commissioner may, by such rules, prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months,

months, or fine which may extend to five hundred rupees, or both.

In cases where the offence is committed after sunset and before sunrise, or after making preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalty prescribed for such offence.

45. In case of any accident or emergency involving danger to any property at any such station, every person employed at such station, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at station.

CHAPTER VII.

OF THE COLLECTION OF DRIFT, STRANDED AND OTHER TIMBER.

46. All timber found adrift, beached, stranded or sunk,

all timber bearing marks which have not been registered under rules made under section forty-three,

all timber which has been supermarked, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and

in such areas as the Chief Commissioner directs, all unmarked timber,

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

Such timber may be collected by any Forest-officer or other person entitled to collect the same, and may be brought to such stations as a Forest-officer specially empowered in this behalf may from time

Certain kinds of timber to be deemed property of Government until title thereto proved.

Power to collect the same.

time to time notify as stations for the reception of drift-timber.

The Chief Commissioner may, by notification in the official Gazette, exempt any class of timber from the provisions of this section, and withdraw such exemption.

Notice to claimants of drift-timber.

47. Public notice shall from time to time, as occasion may require, be given by a Forest-officer specially empowered in this behalf of timber collected under section forty-six. 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 one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

48. 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.

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 Court and retain the timber pending the receipt of an order from such Court for its disposal.

On rejection of claim to such timber, claimant may institute suit.

Any person whose claim has been rejected under this section may, within two 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 against the 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.

No such timber shall be subject to process of any Civil Court until it has been delivered, or a suit brought under this section has been decided.

Disposal of unclaimed timber.

49. If no statement is presented in the manner and within the period prescribed by the notice issued under

under section forty-seven, or, where such statement having been so presented, and, the claim having been rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section forty-eight, the ownership of such timber shall vest in the Government free from all incumbrances; or, when such timber has been delivered to another person under section forty-eight, in such other person, free from all incumbrances not created by him.

50. 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 for salving, collecting, moving, storing and disposing of the same.

Payments to be made by claimant before timber is delivered to him.

51. The Chief Commissioner may make rules to regulate the following matters (namely):—

Power to make rules and prescribe penalties.

(a) the salving, collection and disposal of all timber mentioned in section forty-six;

(b) the use and registration of boats used in salving and collecting timber;

(c) the amount to be paid for salving, collecting, moving, storing and disposing of such timber; and

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

The Chief Commissioner may, by such rules, prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

52. When there is reason to believe that a forest-offence has been committed in respect of any timber

Seizure of property liable to confiscation.

W

or forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Report to
Magistrate.

Every officer seizing any property under this section shall place on such property, or the receptacle (if any) in which it is contained, 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 timber or 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 official superior.

Procedure
thereupon.

53. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, for-
est-produce,
tools, &c.,
when liable
to confisca-
tion.

54. When any person is convicted of a forest-offence, all timber or forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

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

Disposal, on
conclusion of
trial for for-
est-offence,
of produce in
respect of
which it was
committed.

55. When the trial of any forest-offence is concluded, any timber or forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf; and in any other case may be disposed of in such manner as the Court may order.

Procedure
when offend-
er not known
or cannot be
found.

56. When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if

if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or shall publish such notice in any way which he thinks fit.

57. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section fifty-two and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Procedure as to perishable property seized under section 52.

58. Any person claiming to be interested in property seized under section fifty-two may, within one month from the date of any order passed under section fifty-four, section fifty-five or section fifty-six, present an 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.

Appeal from orders under sections 54, 55 and 56.

59. When an order for the confiscation of any property has been passed under section fifty-four or fifty-six, and the period limited by section fifty-eight for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of

Property when to vest in Government.

of such property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

60. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Chief Commissioner from directing at any time the immediate release of any property seized under section fifty-two and the withdrawal of any charge made in respect of such property.

Punishment for wrongful seizure.

61. 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 punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct, be given as compensation to the person aggrieved by such seizure.

Penalty for counterfeiting or defacing marks in trees and timber and for altering boundary-marks.

62. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers 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) unlawfully affixes to any timber or standing tree a mark used by Forest-officers, or

(c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer, or

(d) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which any provisions of this Act apply,

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

63. Any

63. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

Power to arrest without warrant.

Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case.

64. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to prevent commission of offence.

65. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Act or the rules made hereunder :

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

66. Any Forest-officer specially empowered in this behalf may accept from any person reasonably suspected of having committed any forest-offence other than an offence under section sixty-one or section sixty-two a sum of money by way of compensation for the offence which may have been committed ; and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

Power to compound offences.

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

67. When

Presumption that timber or forest-produce belongs to Government.

67. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any timber or forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER IX.

CATTLE-TRESPASS.

Cattle-trespass Act, 1871, to apply.

68. Cattle trespassing in a reserved forest or in a village-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Power to alter fines fixed by that Act.

69. The Chief Commissioner may, by notification in the official Gazette, direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section sixty-eight of this Act, such fines as he thinks fit, but not exceeding the following (that is to say):

	Rs.	A.
For each elephant	10	0
For each buffalo	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	0	8

CHAPTER X.

OF FOREST-OFFICERS.

Chief Commissioner may invest Forest-officers with certain powers.

70. The Chief Commissioner may invest any Forest-officer by name, or as holding an office, with the following powers (that is to say):—

(a) the powers of a Demarcation-officer under the Burma Boundaries Act, 1880;

(b) the

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(c) power to issue search-warrants under the Code of Criminal Procedure;

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

(e) power to notify seasons and manner in which fire may be kindled, kept or carried in a reserved forest;

(f) power to grant any permission referred to in section twenty-seven, thirty-two, thirty-six or thirty-eight;

(g) power to notify stations for the reception of drift timber;

(h) power to give public notice of timber collected under section forty-six;

(i) power to take possession of property under this Act;

(j) power to direct the release of property or withdrawal of charges;

(k) power to accept compensation for forest-offences;

and may withdraw any powers so conferred.

Any evidence recorded under clause (d) of this section shall be admissible in any subsequent trial before a Magistrate of the alleged offender: Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 333, section 334 or section 335 of the Code of Criminal Procedure.

71. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Forest-officers deemed public servants.

72. No suit or criminal prosecution shall lie against any public servant for anything done or omitted by him in good faith under this Act.

Indemnity for acts done in good faith.

73. Except

Forest-officers not to trade.

73. Except with the permission in writing of the Chief Commissioner, no Forest-officer shall, as principal or agent, trade in timber or forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory.

CHAPTER XI.

MISCELLANEOUS.

Additional powers to make rules.

74. The Chief Commissioner may make rules consistent with this Act—

(a) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Act on a Forest-officer shall be exercised or performed ;

(b) to regulate the procedure of Forest-Settlement-officers ;

(c) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or from the Public Treasury ; and

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

Rules when to have force of law.

75. All rules made by the Chief Commissioner under this Act, shall be published in the official Gazette, and shall thereupon have the force of law.

Powers of Chief Commissioner exercisable from time to time.

All powers conferred by this Act on the Chief Commissioner may be exercised from time to time as occasion requires.

Persons bound to assist Forest-officer and Police-officer.

76. Every person who exercises any right in a reserved-forest or a village-forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle or to practise toungya cultivation in, such forest, and

every

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any Forest-officer or Police-officer demanding his aid—

(a) in extinguishing any fire occurring in such forest;

(b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(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.

77. All money, other than fines, payable to the Government under this Act, or under any rule made hereunder, or on account of the price of any timber or forest-produce, or of expenses incurred in the execution of this Act in respect of such timber or forest-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.

Recovery of money due to Government.

78. 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 specially empowered in this behalf, and may be retained by him until such amount has been paid.

Lien on forest-produce for such money.

If

Power to sell such produce.

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

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 Government.

Government and its officers not liable for loss or damage in respect of certain timber.

79. The Government shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a rule made under section forty-three, or while detained elsewhere for the purposes of this Act, or in respect of any timber collected under section forty-six; and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Land required under this Act to be deemed to be needed for a public purpose under Land Acquisition Act.

80. Whenever it appears to the Chief Commissioner 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 the Land Acquisition Act, 1870, section four.

SCHEDULE.

(See section 2.)

ENACTMENTS REPEALED.

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act VII of 1865.	An Act to give effect to rules for the management and preservation of Government forests.	So much as has not been repealed.
Act VII of 1869.	An Act to give validity to certain rules relating to forests in British Burma.	The whole.

Act

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act XIII of 1873.	An Act to amend the law relating to timber floated down the rivers of British Burma.	So much as has not been repealed.
Regulation IX of 1874.	The Arakan Hill District Laws Regulation, 1874.	So far as it relates to Acts VII of 1865 and VII of 1869.
	The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August, 1865.	The whole.