

ACT NO. V OF 1890.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 28th
February, 1890.)*

An Act to amend the Indian Forest Act, 1878,
and the Burma Forest Act, 1881.

WHEREAS it is expedient to amend the Indian
Forest Act, 1878, and the Burma Forest Act,
1881; It is hereby enacted as follows:—

1. (1) This Act may be called the Forest Act,
1890: and

Title and
commence-
ment.

(2) It shall come into force at once.

Indian Forest Act, 1878.

2. (1) For the definition of "Tree" in section 2
of the Indian Forest Act, 1878, the following shall be
substituted, namely:—

Amendment
of section 2,
Act VII,
1878.

" 'Tree' includes palms, bamboos, stumps, brush-
wood and canes: "

(2) For the definition of "Timber" in the same
section the following shall be substituted, namely:—

" '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: "

(3) For the definition of "Forest-produce" in the
same section the following shall be substituted,
namely:—

" 'Forest-produce' includes—

(a) the following, whether found in, or brought
from, a forest or not, that is to say:—

timber, charcoal, caoutchouc, catechu, wood-
oil, resin, natural varnish, bark, lac, mahua
flowers and myrabolams, and

(b) the

(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) : ”.

Amendment of section 4, Act VII, 1878.

3. For clause (b) of section 4 of the said Act the following shall be substituted, namely :—

“ (b) specifying as nearly as possible the situation and limits of such land ; and ”.

Addition to section 5, Act VII, 1878.

4. To section 5 of the said Act the words “ except in accordance with rules prescribed by the Local Government ” shall be added.

Amendment of section 6, Act VII, 1878.

5. For clause (a) of section 6 of the said Act the following shall be substituted, namely :—

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

Addition of new section after section 9, Act VII, 1878.

6. After section 9 of the said Act the following shall be inserted, namely :—

Treatment of claims relating to practice of shifting cultivation.

“ 9A. (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 Local Government together

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 Local Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest-Settlement-officer may arrange for its exercise—

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.

All arrangements made under this sub-section shall be subject to the previous sanction of the Local Government.

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

7. For clause (b) of section 25 of the said Act the following shall be substituted, namely:—

Amendment
of section
25, Act VII,
1878.

"(b) sets fire to a reserved forest, or, in contravention of any rules made by the Local Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;".

8. (1) In the heading of Chapter VII of the said Act, for the words "OF THE DUTY ON TIMBER" the words "OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE" shall be substituted.

Amendment
of Chapters
VII and
VIII, Act
VII, 1878.

(2) In section 39 of the said Act, after the word "timber", in both places where the word occurs, the words "or other forest-produce" shall be inserted.

(3) In

(3) In clause (a) of section 41 of the said Act, for the words "and other" the words "or other" shall be substituted.

Addition to section 41, Act VII, 1878.

(4) To section 41 of the said Act the following shall be added, namely :—

"The Local Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area."

Amendment of section 47, Act VII, 1878.

9. In section 47 of the said Act the words "within three months" shall be substituted for the words "within two months".

Addition to section 48, Act VII, 1878.

10. To section 48 of the said Act, after the word "encumbrances" the words "not created by him" shall be added.

Amendment of section 56, Act VII, 1878.

11. In section 56 of the said Act, for the words "whom he deems to be entitled to the same" the words "whom the Magistrate deems to be entitled to the same" shall be substituted.

Amendment of section 63, Act VII, 1878.

12. In section 63 of the said Act, after the words "before the Magistrate having jurisdiction in the case", the words "or to the officer in charge of the nearest police-station" shall be added.

Amendment of section 67, Act VII, 1878.

13. (1) For section 67 of the said Act the following shall be substituted, namely :—

Power to compound offences.

"67. (1) The Local Government may, from time to time, by notification in the official Gazette, empower a Forest-officer by name, or as holding an office,—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 61 or section 62, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(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.

(2) On

(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 sub-section (1), clause (a), shall in no case exceed the sum of fifty rupees."

14. After section 83 of the said Act the following shall be added, namely :—

Addition of new section after section 83, Act VII, 1878.

"84. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue."

Recovery of penalties due under bond.

of 1872.

Burma Forest Act, 1881.

15. (1) For the definition of "tree" in section 3 of the Burma Forest Act, 1881, the following shall be substituted, namely :—

Amendment of section 3, Act XIX, 1881.

"'tree' includes palms, bamboos, stumps, brush-wood and canes :"

(2) For the definition of "forest-produce" in the same section the following shall be substituted, namely :—

"'forest-produce' includes—

(a) the following, whether found in, or brought from, a forest or not, that is to say :—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark,

lac,

lac, mahua flowers and myrabolams,
and

(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, min-
eral oils and all products of mines
or quarries) :—

Amendment
of section 26,
Act XIX,
1881.

16. For clause (b) of section 26 of the said Act
the following shall be substituted, namely :—

“(b) sets fire to a reserved forest, or, in contraven-
tion of any rules made by the Chief Commis-
sioner, kindles any fire, or leaves any fire
burning, in such manner as to endanger
such a forest,”.

Amendment
of Chapters
V and VI,
Act XIX,
1881.

17. (1) In the heading of Chapter V of the said
Act, for the words “OF THE DUTY ON TIMBER” the
words “OF THE DUTY ON TIMBER AND OTHER FOREST-
PRODUCE”, and in the heading of Chapter VI of
the said Act, for the words “OF THE CONTROL OF
TIMBER IN TRANSIT” the words “OF THE CONTROL
OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT”
shall be substituted.

(2) In sections 39, 41 and 42, after the word
“timber”, wherever it occurs, the words “or other
forest-produce” shall be inserted.

(3) Throughout section 43, after the word “tim-
ber”, except in the first paragraph, where the word
first

first occurs, and in clauses (e), (i), (l) and (m), the words "or other forest-produce" shall be inserted.

(4) To section 43 of the said Act the following shall be added, namely :—

"The Chief Commissioner may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area."

18. In section 48 of the said Act the words "within three months" shall be substituted for the words "within two months".

Amendment
of section 48,
Act XIX,
1881.

19. In section 63 of the said Act, after the words "before the Magistrate having jurisdiction in the case", the words "or to the officer in charge of the nearest police-station" shall be added.

Amendment
of section 63,
Act XIX,
1881.

20. For section 66 of the said Act the following shall be substituted, namely :—

Amendment
of section 66,
Act XIX,
1881.

"66. (1) The Chief Commissioner may, from time to time, by notification in the official Gazette, empower a Forest-officer by name, or as holding an office,—

Power to
compound
offences.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 61 or section 62, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(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.

(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

(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 sub-section (1), clause (a), shall in no case exceed the sum of fifty rupees."

Repeal of section 70 (k), Act XIX, 1881.

21. Clause (k) of section 70 of the said Act is hereby repealed.

Addition of new section after section 80, Act XIX, 1881.

22. After section 80 of the said Act the following section shall be added, namely :—

Recovery of penalties due under bond.

"81. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue."