

THE FOREST ACT, 1927

(Act No. XVI of 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.

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, ram ewes, sheep, lambs, goats and kids;
- (2) "Forest-officer" means any person whom the (d), Government or any officer empowered by the 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, wood-oil, resin, nature varnish, bark, lac, mahua, flower, mahua seeds (kuth), 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 of produce of animals, and
 - (iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries).
- (4A) "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, stumps, brush wood and canes.

3. Power to reserve forests—The Government may constitute any forest-land or waste-land or any land suitable for afforestation 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 reserved forest in the manner hereinafter provided.

4. Notification by Government.—(1) Whenever it has been decided to constitute any land a reserved forest, the Government shall issue a Notification in the 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 rights 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.

Explanation.—For the purpose of clause (b) it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-Officer,

(3) Nothing in this section shall prevent the Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

5. Bar of accrual of forest-rights- After the issue of a notification under section 4, no right shall be acquired in 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 was vested when the notification was issued, and no fresh clearing 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 Government in this behalf.

6. Proclamation by Forest Settlement-officer- When a notification has been issued under 4, the Forest Settlement officer shall publish in the Bengali 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 consequence which, as hereinafter provided, will ensure on the reservation of such forest;
- (c) fixing a period of not less than three months and not more than four months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 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 section 6, and shall at some convenient place enquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4, or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons 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, upon any 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 section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 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 section 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 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 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 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 of the Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege to control, restriction and abolition by the 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 right of pasture, or a right to forest-produce or a water-course, the Forest-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 Acquisition and Requisition of Immovable Property Ordinance, 1982 (Act II of 1982);

(3) For the purpose of so acquiring such land,

- (a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Acquisition and Requisition of Immovable Property Ordinance 1982 (Act II of 1982);
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that 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, or wholly 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 section 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 field (if any) and the designation and position of all buildings (if any) in respect of which the exercise of such right is claimed.

14. Record where he admits claim.-If the Forest Settlement-officer admits in whole or in part any claim under section 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 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 rights so admitted.

(2) For this purpose the Forest Settlement-officer may;

- (a) set out some other forest-tract of sufficient, 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 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 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 section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the 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 fit.

16A. Time limit for resolution of claims.-(1) Within 12 months after the period fixed under section 6 has elapsed, or within 12 months after the enactment of this section, whichever is later, the Forest Settlement Officer shall do one of the followings,

- (i) dispose of all claims made under section 6 and 9; or
- (ii) obtain an extension of this 12 months deadline under sub- section (2).

(2) Upon application of a Forest Settlement Officer, the Deputy Commissioner may grant a single 2 months extension of the deadline in sub-section (1) making the deadline 14 months, and if that extended deadline threatens to be missed, the Commissioner may grant additional 4 months extensions.

17. Appeal from order passed under section 11, section 12, section 15, or section 16.- Any person who has made a claim under this Act, or any Forest officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15 or section 16, present an appeal from such order to the Divisional Commissioner concerned.

18. Appeal under section 17.-(2)(a) An appeal shall be heard by the Divisional Commissioner in the manner prescribed for the time being for the hearing of appeals in matters relating to land-development tax and the appeal shall be disposed of within 6 months from the date of presenting it under section 17.

(b) The Divisional Commissioner shall report to the Government the particulars of the cases which could not be disposed of by him within the time prescribed in clause (a), whereupon the government may extend time as deemed necessary.

(3) The order passed on the appeal by the Divisional Commissioner shall, subject only to revision by the Government, be final.

19. Pleadings.- The 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 Divisional Commissioner 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 section 6 for preferring claims has elapsed and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer,
- (b) if any such claims have been made, the period limited by section 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 Divisional Commissioner; and
- (c) all lands (if any) to be included in the proposed forest, which the forest Settlement-officer has, under section 11, elected to acquire under the Acquisition and Requisition of Immovable Property Ordinance 1982 (Act II of 1982) have become vested in the Government under section 11 of that Ordinance;

The Government shall publish a notification in the official Gazette, specifying definitely, according to boundary marks erected or other wise, the limits of the forest-which is to e 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 such notification in neighbourhood of forest.-The Forest-officer shall, before the date fixed by such notification, cause it to be published in every town and village in the neighbourhood of the forest.

22. Power to revise arrangement made under section 15 or section 18.- The Government may, within five years from the publication of any notification under section 20 revise any arrangement made under section 20 revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be

taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 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 Government or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction.-(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the 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 haltered except to such extent as may have been admitted in the order recorded under section 14.

25. Power to stop ways and water courses in reserved forests.-The Forest-officer may, with the previous sanction of the Government or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the 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.-(1) Any person who, in a reserved forest-

- (a) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;
- (b) trespasses or pastures cattle, or permits cattle to trespass;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) Quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce other than timber;

or who enters a reserved forest with fire arms without prior permission from the Divisional Forest-officer concerned, shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(1A) Any person who-

- (a) makes any fresh clearing prohibited by section 5; or
- (b) removes any timber from a reserved forest; or
- (c) sets fire to a reserved forest, or, in contravention of any rules made by the 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-

- (d) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;
- (e) clears or breaks up any land for cultivation or any other purpose or cultivates or attempts to cultivate any land in any other manner;
- (f) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishes, poisons water or sets traps or snares; or
- (g) establishes saw-pits or saw-benches or converts trees into timber without lawful authority;

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months, and shall also be liable to fine which may extend to fifty thousand taka and shall also be liable to fine which may extend to fifty thousand taka and shall not be less than five thousand taka, 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 Government; or
- (b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the existence 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 Government may, by notification in the 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.

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

(2) The 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.

28A. Social Forestry.-(1) On any land which is the property of the Government or over which the Government has proprietary rights and on any other land assigned to the Government by voluntary written agreement of the owner for the purpose of afforestation, conservation or management through social forestry the Government may establish a social forestry programme under sub-section (2).

(2) A social Forestry programme is established when the Government, by one or more written agreement assis rights to forest produce or rights to use the land for the porpose of social forestry, to persons assisting the Government in management of the land.

(3) Notwithstanding any other provision of law, agreements under sub-section (2) concerning the Government owned lands need not be registered in the local records of right to land and no party to such an unregistered aggrement may be divested of rights solely by execution of a subsequent assignment of rights by the Government to another person.

(4) The Government may make rules to set out standards for social forestry agreements and programmes and such standards shall at a minimum,

- (i) require agreements to include or make reference to an agreed upon management plan for the social forestry programme ;
- (ii) guarantee participants an equitable share of proceeds in return for labour invested ;
- (iii) in the case of agreement contemplating timber harvest, require the duration of agreement to include the expected principal harvest;
- (iv) allow transfers of benefits and obligations under agreement between spouses and when a participants dies, under the laws of succession to his heir and govern other transfer;
- (v) allow creation and dissolution of management committees representing participants in particular programmes, and empower the management committees to impose fine on participants for violation of agreement; and
- (vi) allow persons to petition the government for undertaking social forestry programmes.

(5) The government may make rules to set out other requirements or guarantees for agreements, including,

- (i) duties of participants to assist forest officers ; and
 - (ii) any other matter concerning formation or operation of social forestry programmes.
- (6) Rules made under this section may recognise different classes of social forestry programmes, and the Government may make different rules for different classes of programmes.

(7) The Government may publish guidelines and forms for social forestry agreements.

28B. Effect of other provisions of law on social forestry.-(1) For the purposes of section 26 and 34, the exercise of any right granted by a social forestry agreement under section 28A shall be considered to be done with permission in writing of the forest officer.

(2) Section 80 shall not apply to private lands subject to a voluntary written agreement under section 28 A, unless such agreement itself allows the Government to invoke all or part of section 80.

(3) Section 81 shall not apply to participants in social forestry project under section 28A.

29. Protected forests.-(1) The Government may, by notification in the 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 to 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 or charland comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the 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, a waste-land or charland the 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 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, etc.-The Government, may be notification in the official Gazette;

- (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by 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 Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, 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, clearing or use for cultivation, for building, 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 Bengali (Substituted by Act 53 of 74) of every notification issued under section 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 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 forest 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 persons felling or removing trees or timber or other forest-produce from such forest 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 clause (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 section 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 forest;
- (k) the protection and management of any portion of a forest closed under section 30; and
- (l) the exercise of rights referred to in section 29.

33. Penalties for acts in contravention of section 28A or of notification under section 30 or of rules under section 32.-(1) Any person who commits any of the following offences, namely:-

- (a) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subject to any manufacturing process, or removes, any forest produce other than timber;
- (b) leaves burning any fire kindled by him in the vicinity of any protected forest;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) trespasses or pastures cattle, or permits cattle to trespass;
- (e) enters a protected forest with fire arms without prior permission from the Divisional Forest Officer concerned;
- (f) infringes any rule made under section 32;
- (g) any offence or damage committed against social forestry programme will be deemed as an offence,

shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand taka, in addition such compensation for damage done to the forest as the convicting court may direct to be paid.

(1A) Any person who commits any of the following offences, namely:-

- (a) sets fire to a protected forest, or in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;
- (b) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;
- (c) contrary to any prohibition under section 30, clears or breaks up any land for cultivation or other purpose or cultivates or attempts to cultivate any land in any other manner in any protected forest;
- (d) in contravention of any rules made in this behalf by the Government, hunts, shoots, sets traps or snares or catches or kills any wild animals and birds, fishes or poisons water;
- (e) establishes saw-pits or saw-benches or converts tree into timber without lawful authority in a protected forest;
- (f) removes any timber from a protected forest;

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months and shall also be liable to fine which may extend to fifty thousand taka and shall not be less than five thousand taka, in addition such compensation for damages done to the forest as the convicting Court may direct to be paid.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the 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 right of pasture or 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 section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

38A. Operation of the Private Forest Ordinance.—(1) After commencement of this section, the Government may no longer exercise authority to vest control of forest land under sub-section (2) of section 6, 7 or section 11 of the Private Forests Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959).

(2) After commencement of this section, the Government may no longer exercise authority under section 3 of the Private Forest Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959) to require private forest to have working plans.

38B. Notice of forest management activities.—(1) The Government may make rules for the purpose of issuing notice to owners or occupiers of neighbouring lands at least 30 days before undertaking specified forest management activities that may pose a threat of harm to the environment or private or Government property, or that the Government may wish to track for statistical purposes.

(2) Within 20 days after receiving notice of a proposed activity under this section, upon finding that the proposed activity is likely to cause unreasonable damage to the environment or private or Government property, the Government may issue a written order to the owner or occupier of a land to alter or to refrain from the proposed activity to prevent or minimise such damage.

38C. Restricted activities.—(1) The Government may make rules to prohibit, restrict or require a permit for land clearing, use of pesticides, harvest on steep slopes, or other forest management activities on private land that may pose a threat to property, renewable natural resources or the productivity of land.

(2) The Government shall empower Forest-officers to issue such permits required under sub-section (1).

38 D. Abatement of forest nuisances.—(1) Upon a finding that conditions on a land pose a risk of disease, insect outbreak, fire or other harm to nearby renewable natural resources, the Government may issue a written order to the owner or occupier of the land to abate such a nuisance within 30 days, or sooner as may be specified in the notice, if the protection of renewable natural resources demands.

(2) To be effective, an order under sub-section (1) must be delivered personally to the owner or occupier of the land or sent to him by registered post with acknowledgement receipt due, or if the address of the person is unknown, affixed conspicuously at least two locations on the property.

(3) If the owner or occupier fails to comply with an order under this section, the Government may enter the land, remove the nuisance and realise compensation as a public demand.

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.

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 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;

- (a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within Bangladesh;
- (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or other-wise than in accordance with the conditions of such pass;
- (c) provide for the issue, production and return of such passes and for the payment of fees therefor;
- (d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on

account of the price thereof, or on account of any duty, fee, loyalty or charge due thereof or to which it is desirable for the purposes of this Act to affix a mark;

- (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;
- (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;
- (g) provide for the prevention or removal of any obstruction of the channel or banks of and such river, and for recovering the cost of such prevention or removal from a person whose acts or negligence necessitated the same;
- (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of wood, based industries including saw-mills, saw pits furniture marts and brick fields, the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same or the possession or carrying of hammers or other implements used for making timber,
- (i) regulate the use of property marks for timber, and the registration of such marks, 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.

(3) The 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.

42. Penalty for breach of rules made under section 41.-(1) The Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to three years and shall not be less than two months and shall also be liable to fine which may extend to ten thousand taka and shall not be less than two thousand taka,

(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 Forest officers not liable for damage to forest-produce at depot.-The 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 section 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 Government or by any private person, 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.

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 section 41, or on which the marks have been obliterated, altered by fire or otherwise; and

in such areas as the Government directs, all unmarked wood and timber,

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

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

(3) The Government may, by notification in the 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 timber claimed by him, but no person shall recover any compensation or costs 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,

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

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 timber.-The 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.

50. Payments to be made by claimant before timber is delivered to him.- No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive 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 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 or disposing of such timber, and
- (d) the use and registration of hammers and other instruments to be used for making such timber.

(2) The Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to three years and shall not be less than two months and shall also be liable to fine which may extend to ten thousand taka and shall not be less than two thousand taka.

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, vessels, carts, or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer or any other officer authorized in this behalf by or under any other law in force.

(1a) Every officer other than a Forest-officer seizing any property under this section shall handover all the seized property mentioned under sub-section (1) along with the accused to the nearest forest-office for further legal proceedings;

Provided that police-officers need not hand over the accused to the nearest forest-office but shall inform such forest-office of the arrest.

(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 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.

53. Power to release property seized under section 52.-Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, vessels, vehicles or cattle under section 52, may relapse the same on the execution by the owner thereof of a bond for the production of the property so released, if any 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 despatch, take such measure 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 vessels, 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 offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a forest-officer, and, in other case, may be disposed of in such manner as the Court may direct.

57. Procedure when offender not known, or can not be found.-When the offender is not known or can not be found, the Magistrate, may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest officer, or to be confiscated 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 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.

58. Procedure as to perishable property seized under section 52.-The Magistrate may, notwithstanding any thing herein before 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.

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 one month from the date of any order passed under section 55, 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 confiscation 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 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 incumbrances.

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 one year and shall not be less than one month and shall also be liable to fine which may extend to ten thousand taka and shall not be less than two thousand taka.

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.-Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Bangladesh 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) alters, defaces or obliterates any boundary-mark placed on a tree or on 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 seven years and shall not be less than two years and shall also be liable to fine which may extend to fifty thousand taka and shall not be less than ten thousand taka.

63A. Some offence to be non-bailable.-Notwithstanding anything contained in any other law for the time being in force a forest-offence punishable under sub-section (1A) of section 26, sub-section (1A) of section 33 and section 63 shall be non-bailable.

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 person 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 authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

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

67A. Appointment of forest Magistrate.-(1) The Government may, by notification in the official Gazette, appoint one or more Magistrate of the First Class to serve as a Forest magistrate to try offences exclusively under this Act, and also specify the territorial jurisdiction of such Magistrate.

(2) Notwithstanding anything contained in any other law in force, such Forest Magistrate shall have authority to impose any penalty specified under this Act.

68. Power to compound offences.-(1) The Government may, by notification in the official Gazette, empower a Forest-officer not inferior to that of a ranger;

- (a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence under section 26 (1A) or section 33 (1A) or section 62 or section 63, a sum of money by way 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 and verified by another officer not below to the rank of a Divisional Forest 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.

69. Presumption that forest-produce belongs to Government.-When in any proceedings taken under 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.

69A. Prosecution of forest offences.-Notwithstanding anything contained in any other law for the time being in force, the Government may empower any Forest-officer not inferior to that of a Deputy Ranger to appear plead and conduct the prosecution on behalf of the Government before any Court in any case where a forest-offence is under trial.

70. Cattle-trespass Act, 1871, to apply.-Cattle-trespassing in a reserved forest or in any portion of a 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 section II of the Cattle-trespass Act, 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 Government may, by notification in the official Gazette, direct that in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871, there shall be levied per day or part thereof for each head of cattle impounded under section 70 of this Act such fines as it thinks fit

75. Forest officer not to trade.-Except with the permission in writing of the Government, no Forest-officer shall as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any Forest or in any contract for working any forest, whether in or outside Bangladesh.

79. Persons bound to assist Forest-officers and Police officers.-(1) Every person who exercises any right in a reserved or protected forest, or 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 Government or a local authority or who receives emoluments from the government or a local authority 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 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 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 three months or with fine which may extend to two thousand taka 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 the whole or any part of the produce thereof, the 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 person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the official Gazette, declare that any of the provisions contained in Chapter II and IV shall apply to such forest, waste-land or produce, and there upon such provisions shall apply accordingly.

81. Failure to perform service for which a share in produce of Government forest is enjoyed- If any person be entitled to a share in the produce of any forest 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 Government that such service is no longer so performed.

Provided that no such share shall 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 Government.

82. Recovery of money due to Government.-All money payable to the Government under this Act, or under any rule made 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 not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

84. Land required under this Act to be deemed to be needed for a public purpose under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Act II of 1982).- Whenever it appears to the Government that any land is required for the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982).

